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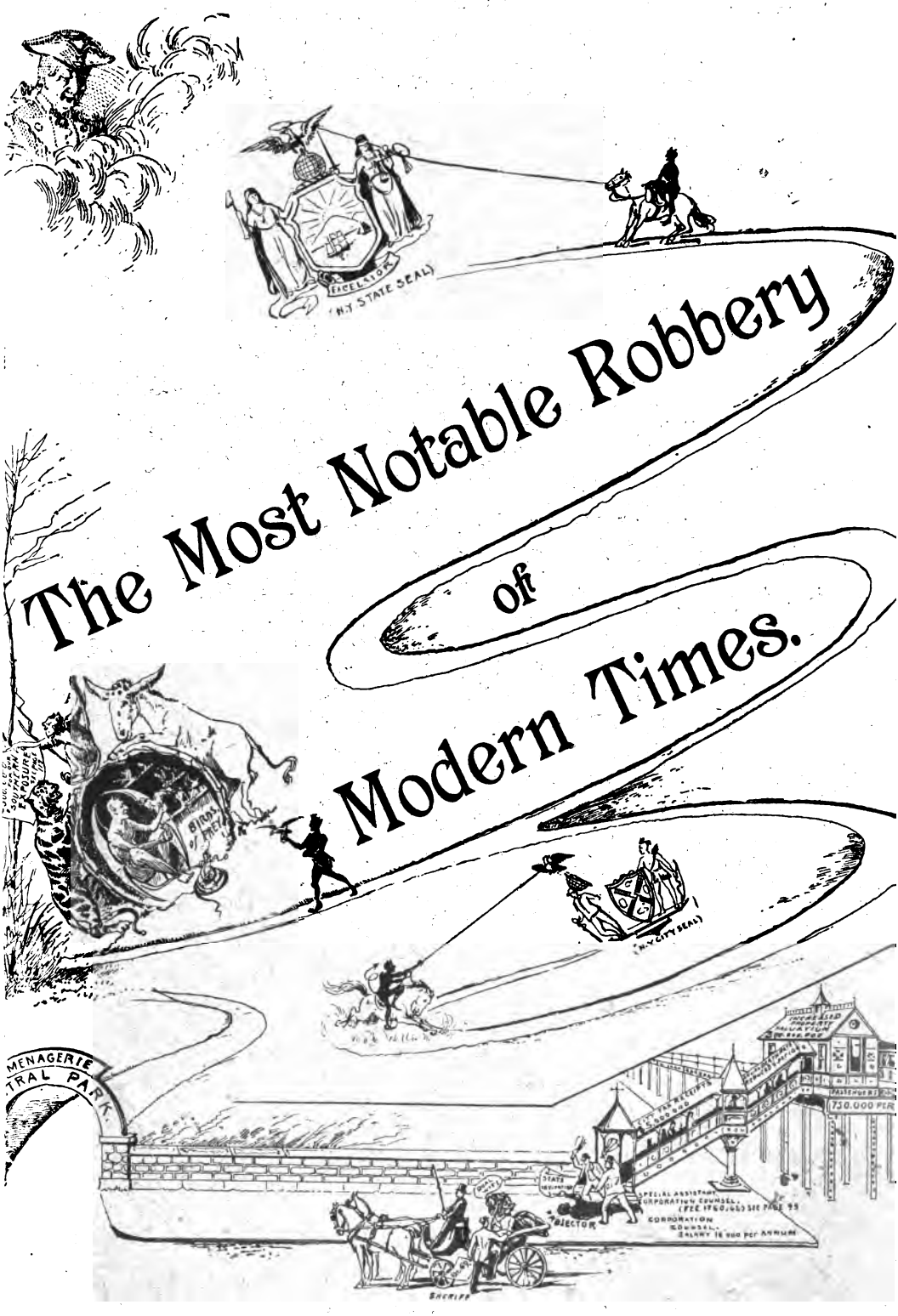

EXCELSIOR
(N.J. STATE SEAL)
The Most Notable Robbery
of
Modern Times.
(N.Y. CITY SEAL)
MENAGERIE
TRAL PARK
SPECIAL ASSISTANT
CORPORATION COUNSEL
CORPORATION
COUNSEL
SALARY 10 000 per ANNUM
DIRECTOR
SHERIFF

My Elevated Rug

MAP OF

LIMITS OF NEW YORK CITY,

ON

MANHATTAN ISLAND,

1860–1870.

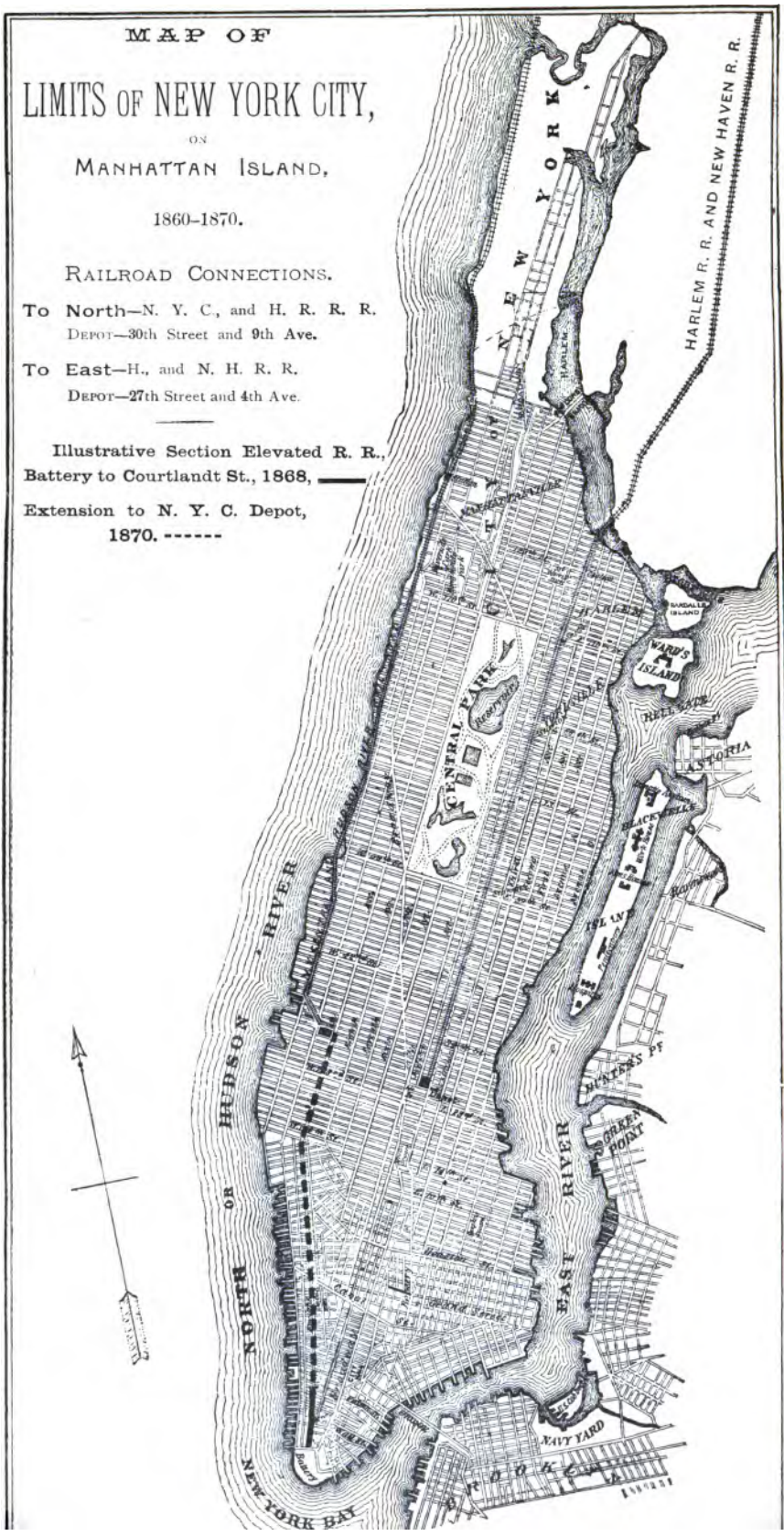
RAILROAD CONNECTIONS.

To North—N. Y. C., and H. R. R. R.
DEPOT—30th Street and 9th Ave.

To East—H., and N. H. R. R.
DEPOT—27th Street and 4th Ave.

Illustrative Section Elevated R. R.,
Battery to Courtlandt St., 1868, ——

Extension to N. Y. C. Depot,
1870. ------



PERSONAL REMARKS CONCERNING TITLE PAGE.

IN PARENTHESIS: The author of the following pages is aware that the title of this volume indicates a broad field in which to discover subjects for comparison.

The term "MODERN TIMES" might be regarded as inclusive of the period since new continents were discovered by the aid of the magnetic needle, but in this connection, its duration will be confined to the time since "Modern Improvements," as generally understood, have swayed the world's energies; a period which dates only from the utilization by WATT, of the expansive power of steam.

The notable robberies which since that time have been committed by nations, by communities, and by expert criminals, would, if narrated, require untold volumes, but in this connection only such instances as relate to individuals and were perpetrated within the forms of law and under constitutional safeguards, are proposed to be considered.

Again, it is intended to state only selected salient facts proving the justice of the title, for it is to be borne in mind that beyond this, many readers will not care to go; hence numerous details of minor importance must be omitted, except such as may be preserved in notes or addenda to this edition, or to later ones.

As an actual witness of most of the events referred to, the author can relate them in their proper connection, as probably no other living person, save one, could do. In view of the facts and of nearly a quarter-century of experience and observation in connection with them, he most sincerely believes that the case hereinafter presented, constitutes The MOST NOTABLE ROBBERY OF MODERN TIMES.

STEPHEN O. JENNINGS.

Brooklyn, April, 1890.

THE MOST NOTABLE ROBBERY

OF

MODERN TIMES.

PUBLIC HONOR,
Plaintiff:
versus:
THE STATE OF NEW YORK,
Defendant:
THE CITY OF NEW YORK,
Co-Respondent:

STATEMENT OF THE CASE

BY

STEPHEN O. JENNINGS,
For the Plaintiff.

NEW YORK.

1890.

Eng 643.90

Entered according to Act of Congress, in the year 1890,
By Stephen O. Jennings,
in the office of the Librarian of Congress, at Washington.

TO THE READERS OF THE FIRST EDITION.

This book was commenced upon the plan of being divided into two parts, viz.:

PART FIRST, To comprise a historical sketch of the main points of the environment of the rapid transit problem in the City of New York, during the first quarter century after initiatory action by State or Municipality.

PART SECOND, To contain a record of the personal experience, within the same period, of the author of the first successful transit system in that city.

This plan was adopted in 1890, during which year PART FIRST was made ready for publication, and PART SECOND mainly prepared as its continuation. But when both were brought to the attention of parties whose opinion was deemed conclusive and the criticism was made by them that PART FIRST was incomplete without a more extended notice of the personnel, the animus and the acts of the Municipal Rapid Transit Commission of 1875-6, of which the ex-Confederate Military Secretary mentioned elsewhere was the chief manipulator; also, that connected mention should be made of surface (Broadway) railway promotor Jacob Sharpe's public trial, together with the indictment, trial and conviction of certain "boodle" Aldermen, as indicative of the methods pursued in respect to the transit interests of the City by its officials at that time. Also special mention of the selection and proceedings of the Second Municipal Transit Commission appointed by Mayor Edson in 1883-4, which reported in favor of traction cables as the motive power for elevated railways as originally advocated by their projector. The further point was made that before PART FIRST should be published as a completed record of the quarter century period proposed for it to cover, the outcome of the researches and recommendations of the Rapid Transit Commission provided for in the special law of 1891 should be added thereto.

Upon due consideration these criticisms were accepted as well founded, and it was decided to conform PART FIRST to them, although necessitating a change of nearly its entire "make up" and a considerable delay in making it ready for such revised publication.

In the meantime it was deemed advisable to publish PART SECOND, adding by way of introduction detached portions of Part First until a later and more comprehensive edition is issued.

This explanation will serve to explain to the reader the irregular paging and references in this edition.

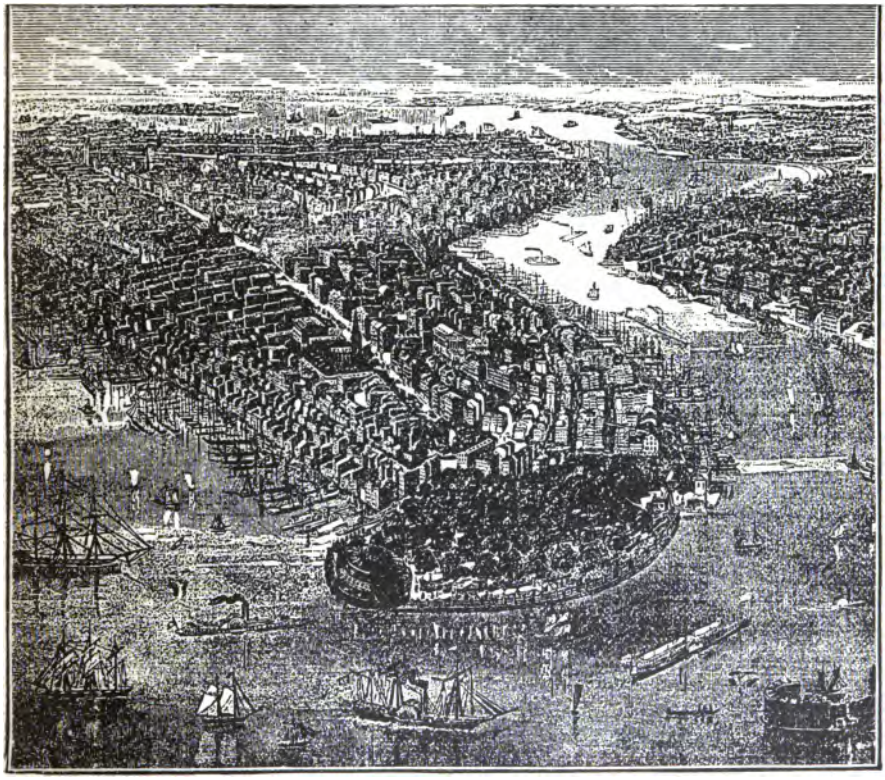
CHAPTER III.

The Place, the Time, and the Emergency.

The City of New York had its beginning in the nucleus of inhabitants at the southerly end of the island of Manhattan; that is, in the Dutch Colonial town, New Amsterdam.

Its growth for two centuries was so slow that, up to the year 1850, its business section was south of Canal Street, while its residence district was below Madison Square, or about two and four miles respectively from its southern apex. Villages dotted the island at wide intervals, and a journey from one extremity of the island to the other—a distance of fourteen miles—could only be accomplished by pedestrians, or by private carriages, as no public lines of conveyance were then in existence. To cross the city was a matter of an hour or more, as only a few omnibus routes were established, and those in widely diverging directions. Unbridged rivers separated it in all directions from contiguous territory, save at two or three crossings of the narrowest river on the northern extremity of its island domain.

The following outline will serve to indicate the isolated situation of the city, as nearly surrounded by broad arms of the sea.



Birds-eye View of New York City.

No important city, unless we except Venice, is thus environed, and therefore the social results are worthy of the closest study.

The demand of a commerce that crowded the docks, and filled to overflowing the warehouses, offices, stores and manufactories adjacent thereto, called together from all climes the labor which these several occupations required.

The Irishman, the Italian, the Southern black, beside the workman from the interior of our own land could then obtain work at good wages, but which required them to be at their posts during business hours. To do this they must live within moderate distance of their work. Without quick transit facilities they must walk, or overcrowd the capacities of the slow moving tramway cars (introduced about 1846), and these conditions circumscribed their available space for family life within narrow limits. Under these necessities laborers and their families were compressed into narrow, contiguous filth-reeking, sickness-breeding, morally-polluted quarters, which grew worse year by year until, in 1864, the unprecedented density of 290,000 of human beings existing upon one square mile of God's earth, was actually reached. As the average in London, the most populous city on the globe, but 50,000 occupied the same space, or about one-sixth of the density then existing on the southern extremity of Manhattan Island! [See Note 1].

This statement of general facts will equal volumes of descriptive details regarding the misery thus entailed upon the toiling masses.

Traditions are still extant of the "Five Points" district as being a literal "hell upon earth," and of the draft riots of 1863 like a moral earthquake threatening the very existence of the local restraining government. That the public records of the period bear out these intimations of the appalling condition of most of the laboring population of the City of New York, and of the inconveniences to all its citizens arising from the want of rapid transit facilities, the following extracts from proceedings and publications at that time will bear witness:

An evil to which the loss of 7,000 lives and the waste of 200,000 cases of preventable sickness annually among the working classes, were, upon the highest local, medical and business authority, attributable in one city alone, was surely a matter of the utmost moment. [See Note 1].

The phenomenal growth of the population of New York City in the fifth decade of this century, when it advanced from 515,394 in 1850, to 814,254 in 1860, or a three-fifths increase in ten years, was largely due to the development of its railway system. The year 1853 witnessed the opening of the first direct railway line between New York City, Albany and the great West beyond. Other trunk lines such as the New York, New Haven and Boston, the Pennsylvania and the Erie, via Jersey City, about the same time commenced pouring into the Island Metropolis an influx of population which has been increasing in volume ever since. With it came rapid increase of real estate values, caused by the advent of a substantial middle class of oppulent citizens

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NOTE 1. A public meeting of the citizens of the City of New York was convened on the 29th of February, 1864, to consider the terrible evils of the overcrowding of the population, and a committee was named consisting of James Brown, Alexander T. Stewart, Edward S. Jaffray, Peter Cooper, J. J. Astor and twenty others of the most eminent men of that time to investigate the subject.

This committee selected Drs. Valentine Mott, Willard Parker, Edward Delafield, Austin Flint, B. Fordyce Barker and twenty other medical experts as a Board of consulting physicians, and raised funds to cause a sanitary survey to be made under its direction, with a report of the facts. This was done and the report published by the Appletons in 1866, from which the following extracts are made.

"The results of our Sanitary Survey in the Fourth Ward show that the tenant-houses and tenant-house population proper, that is, the class that averages upward of seven families to the house, *is now packed at the rate of about 290,000 inhabitants to the square mile.* In that ward nothing is plainer than the fact that the overcrowding of the population is perilous to public health.

"The removal of one-half of the present population of the district will be a necessary preliminary to any complete system of sanitary reform.

"It would be the proudest work of which our imperial city could boast, and thousands of her sons thus rescued from degredation and wretchedness, would, in future years, rise up and call her blessed.

"The average population of London is but 50,000 to the square mile, and the most populous area is that of East London, which has 174,816 to the square mile.

"The total number of deaths in the City of New York, during the year 1863, according to the City Inspector's returns, was 25,196! This is equal to *one death* in *every thirty-five* of the inhabitants, estimating the population of the city last year at 900,000.

"The rate of mortality in the following cities has been:

In London	1 in 45
In Liverpool	1 in 44
In Philadelphia	1 in 44 to 1 in 57

"While in the City of New York the death-rate has increased from 1 in 46½ [in the year 1810], to 1 in 35, at the present time, the experience of other great cities, and the teaching of sanitary science, warrant the opinion that the present rate of mortality may be reduced fully thirty per cent. Such a reduction would save from 7,000 to 10,000 lives in this city during the present year.

"It is a medical and statistical fact that for every death in a large community there are at least twenty-eight cases of sickness. This would give, in the population of our city, upward of 200,000 cases of preventable and needless sickness every year!"

who sought for residences of the better grade, in the middle and upper sections of the island, and whose rapidly increasing numbers emphasized the necessity, not only for speed, but for comfortable transit between home and office, store and residence. Under their pressure, the horse-car lines became utterly inadequate, and indescribable inconvenience ensued, depicted at that time in the following illustration:

Transit for the Masses in New York City. Car with 22 seats conveying 90 passengers. From wood-cut published in 1866.

The wail of the public and of the press over the general discomfort in this regard was the main topic of the time (see Note 2).

But there were other phases of this question in the matter of certain city industries then developing, which is now a recognized

"To this the *Citizen's* Committee added the following among other remarks:

"The mobs that held fearful sway in our city during the memorable outbreak of violence in the month of July, 1863, were gathered in the overcrowded and neglected quarters of the city. Our best medical men assure us that a vast proportion of the sickness in our city is produced by causes that are positively preventable, or that may be removed; and when they state the fact that the preventable waste of life and health, in the City of New York, may safely be estimated at several thousand lives, and more than 200,000 cases of sickness every year—shall not every citizen bestir himself to terminate such a waste of the richest physical blessings which the Creator has bestowed upon mankind?

"Facts like these should arouse the attention of all persons who feel an interest in human welfare or in the prosperity of our city."

NOTE 2. The following examples of press utterances may serve as samples of "miles of type" in editorials and communications of the same tenor during that period.

Horace Greeley wrote in the *Tribune*, February, 1866:

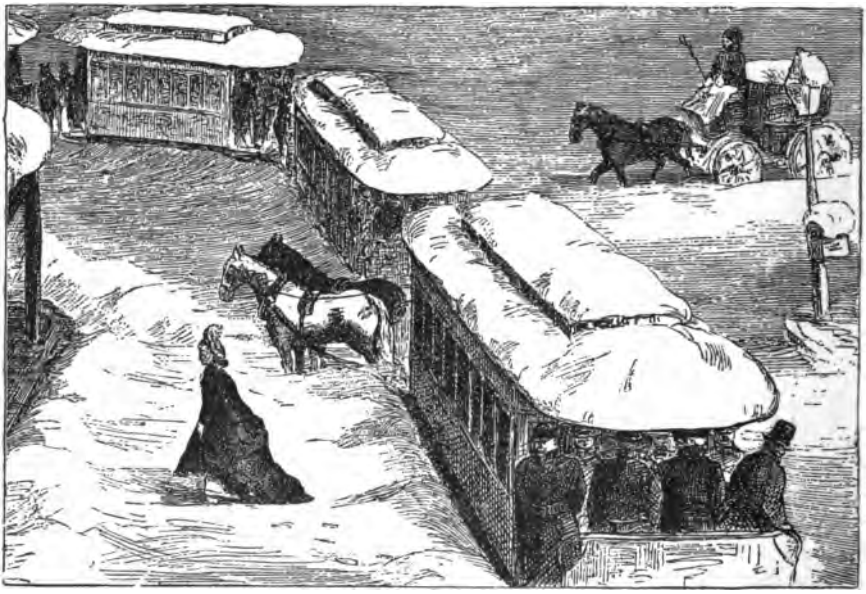
"OUR CITY'S NEED.

"Several hundred thousand persons—rich and poor, male and female, wise and simple—earn their living by personal effort in that narrow

and important element of the transit problem; namely, the employment of female operators in down-town offices and stores, as well as in cloth goods and light ware manufactories. There were probably, in 1866-7, a score of thousands of these operators (increased, doubtless, to three or four times that number at the present time), and with the horse-car as the only means of transportation to their homes in inclement weather, especially during the snow storms and resulting snow drifts of winter, their discomforts were deplorable.

Under the most favorable circumstances the surface railway speed might equal five miles per hour, but when winter came and snow storms prevailed, the average was not more than half that, while an adjacent burning building with the surface tracks encumbered by the fire-engine hose, or blocked by an over-loaded truck, might lengthen the passage by an hour or more. Under those conditions, exposure, sickness and death were the consequent lot of thousands of wage-earners. Coming out of heated work-rooms down-town, of a winter night, shop girls might be seen, whose only hope of seasonably reaching their homes was by plunging knee-deep into snow-drifts (thrown up in parallel winrows in the process of clearing snow from the surface car tracks), in their efforts to reach a car, happy if, somewhat protected from the piercing winds, they could seize a strap inside, but more often standing unsupported in a packed mass of jostling, surging, humanity, within an atmosphere foul with the breath of scores of lungs; (cars with twenty-two seats sometimes had four times that number of persons as passengers.) Colds, fevers and consumptive coughs followed in due course, and were too often death warrants to many females unused and unfitted to bear such physical strains.

The following tells its own story:



Winter Transit facilities of New York prior to advent of Elevated Railroads,

corner of this island which lies south of Grand street.

"Street railroads and omnibuses have their uses; but we have reached the end of them. They are wedged for hours at night and morning with men, women, boys and girls sitting, standing and hanging on: it would not be decent to carry live hogs thus, and hardly dead ones; they are unchangeably too slow; and their capacity is exhausted.

"Give us a chance to breathe!"

The New York *Times*, in July, 1866, said:

"The great inferiority of New York to a European capital—London, for instance—is precisely in that department of practical life where we should least expect it—that is, in the means of locomotion Here is a mercantile community distinguished the world over for attaining their ends, no matter at what expense—yet submitting year after year to a stupid, dilatory, inconvenient system of locomotion, which would disgrace a village

It was in view of all the evils hereinbefore mentioned that the well-known philanthropist, the Rev. Dr. Mulenburg, founder of St. Luke's Hospital, indited the following sentences as taken from his published address of 1865.

"Look at those quarters of your city where the people herd by fifties and by hundreds in a house, street after street. Look at them huddled together in narrow rooms, with surroundings and effluvia, where a half hour's stay would sicken you. See places which might rather be stalls or sties than human abodes. * * * * * * * * And why do I ask to look at such a revolting state of things among those thousands of your neighbors? *In the hope that aught which you or I can do will better it? To propose any scheme for its material improvement?* ALAS, NO! The evil is too gigantic for any grasp of reform at all conceivable. It calls for legislative interference; and that, could any practicable mode of melioration be shown, would call for more public virtue than exists."

About the same time that the foregoing lament was uttered, the Citizens Committee made the report just quoted as to the necessity of devising some better means of rapid transit, and emphasized their conclusions with the following words:

"It would be the proudest work of which our imperial city could boast, and thousands of her sons thus rescued from degredation and wretchedness, would, in future years, rise up and call her blessed."

[Let the reader bear in mind this prophetic effusiveness, and note in subsequent pages, how the rewards for "*this proudest work of which our imperial city could boast*" were subsequently distributed!]

The Legislature was meanwhile flooded with petitions and suggestions on the subject of Metropolitan rapid transit until the late Chief Justice Folger, then a State Senator, declared in his seat in that body that over one-third of the entire time of the Legislature was absorbed by "that prolific but fruitless topic." Public opinion was so strongly aroused that could some one plan have been agreed upon as the best, the credit of the city would have been voted to obtain it, even if scores of millions were expended without expectation of return in marketable values.

The resident engineers at that time were unable to agree on any particular plan for rapid transit. A meeting was convened in the rooms of the Polytechnic Branch of the American Institute, to enable them to compare their views, and if possible, to furnish some recommendations to the Legislature of 1866, then in session. A reporter from the New York *Tribune* was in attendance and wrote:

"When the hour of adjournment arrived, the only point of general agreement seemed to be that some means of transit between the different parts of this island, better than any which now exist, are imperatively needed, and must be had."

Thus far as to the place, the time and the emergency.

CHAPTER IV.

Obstructions to, and Obstructers of Better Transit Facilities.

One of the latent obstructions might be designated as the want of unity in promoting the local interests of New York City by most of the reputable citizens of that place and period. No public meeting was ever called by them to offer a prize for the tender of the best plan, with assurance of substantial aid, and united support, for a practical illustration of the same. Had this sensible method of procedure have been

---

in Turkey, and apparently doing nothing to reform it * * * * One is surprised that the inventive Yankee brain and the all-powerful capital of New York have never contrived some better system of locomotion"

NOTE.—[Events proved that the Yankee brain was of more account in the final solution, than "the all-powerful capital" which turned out to be quite helpless till brains took the lead.—S. O J.]

Mr. Bennett wrote in the *Herald*, January, 1866:

"Seriously, we are in favor of the relief of Broadway whenever a proper plan is suggested. We have none of our own; but we believe that in the end the real relief of the thoroughfare will be found either in an overground that is, elevated railroad, or in two broad avenues constructed on each side of the great highway."

The *World* endorsed the *Herald* thus:

"If, however, a steam railroad from the Battery to Harlem river were under way, it would add so much to the value of land on the upper end of the island that it would immediately stimulate the building of houses on each side of the Central Park. Those who now live up town require traveling facilities additional to those furnished by the horse-cars."

seasonably adopted, well advised measures of relief would have, no doubt, resulted with far less delay and injurious complications than afterward arose.

Nor was any resident of the city of high standing found willing to have his name placed at the head of a corporation to proceed with a well advised solution of the problem. There were, however, special and forcible reasons for such disinclination, one of which was the unsavory reputation of a certain branch of the City Government, which repelled the better class of citizens from coming in contact with it.

Another was the unprincipled practices of certain of the city press in their treatment of matters of a local public character. A well-earned and established reputation was no safeguard against newspaper bestowment of offensive notoriety, Irresponsible, intangible and irrepressible reporters could launch innuendos broadcast against most worthy parties, or cast upon their personal record slurs for which redress in the line of retraction might be withheld, to the great annoyance of influential but sensitive persons of the most estimable type. That certain of the local press were serious obstructions in various ways to the institution of better transit, a glance at their files during that period will abundantly show.

Rival corporation obstructers were then chiefly found in the well-trained and organized lobby at Albany, in the employ of the established horse-car lines of railway in the city, who tripped many a promoter of transit schemes without regard to merit, during the years before the elevated system was piloted beyond their toils by its projector, as hereinafter narrated.

A very serious obstructive element was to be found in the ill-advised action of the city authorities of those days whose influence when neither selfish or corrupt, was nearly always in favor of impracticable schemes, or opposed to those having the most merit, at critical periods in their development. Thus in 1870-1, the city officials caused the pioneer elevated railway to be indicted as a nuisance, just as it was struggling to its feet, and on the other hand favored the "viaduct" scheme which would open wide the doors for plunder, but could not, in any event, have furnished rapid transit of value to the masses. As late as 1888 Mayor A. S. Hewitt advocated before the Legislature a scheme for the City Corporation to pledge its credit to build a composite rapid transit system, partially sub-surface, partially open-cut and partially elevated, rent it out to persons or corporations for a series of years, and then own and operate on municipal account!

The draft of an enabling Legislative Act, drawn up by the then City Corporation Counsel H. R. Beekman, covering scores of pages of printed bill form, was also endorsed by the Mayor. As a specimen of legal verbosity, it was unique. An entire section was devoted to the form and filing of the official oath of the three city representatives to whom all the power in the premises was to be conferred, as though written oaths were a talisman in that city, or with its average officials, a safeguard against corruption or incompetency! Mayor Hewitt made an address before the Legislative Committees in favor of this preposterous plan, wherein he apologetically referred to the prior experience of the city in prosecuting public works on its own account, notably in the case of the new Court House, and used the following language in regard thereto:

"The City of New York was robbed of twenty-five millions with nothing in the world to show for it, and the Court House was not finished." (See printed address, page 16.) Mayor Hewitt's plan fell flat; neither House in the Legislature considering it worth the time to take a vote on it. Such is the sum of the City Government's impress in moulding its better transit facilities during the last twenty-five years; except as supplementary to the extension of the elevated system established despite its open persistent hostility as noted in subsequent pages.

PERSONAL OBSTRUCTIONISTS.

This term was pre-eminently applicable to the then richest merchant in the world, and the most influential private individual in the City of New York where he resided, Alexander T. Stewart by name. An impecunious emigrant to the city early in the century, his talents for accumulating wealth proved phenomenal, fully three score millions of capital were at one time

at his command, and yet when relinquishing all at the imperative summons of death not a dollar of it was bequeathed directly to the city of his adoption for its improvement, or for its charities. It was his boast that all the railways to which the city so largely owed its prosperity, were built without his aid, except that he once consented to join other merchants in saving a trunk line connecting the city with the West, from bankruptcy, loaning on its bonds the sum of $5,000, which he withdrew at the earliest opportunity.

His especial hobby was an untiring opposition to improved methods of transit upon the street known as Broadway, whereon his principal stores were situated.

He managed to prevent the horse-car interest, led by their millionaire chief, Mr. Jacob Sharp, from placing improved transit by surface tracks in front of his property along that avenue, during his lifetime. After his death, Mr. Sharp did compass that object for which the latter had striven against Stewart ineffectually for nearly a third of a century. When brought into public use, it was found to confer great benefit, instead of the detriment which Stewart had so long predicted would surely result. Rental values rose millions of dollars, because of the surface line affording better transit, and neither the public nor the property owners, after illustrative proof of its benefits, would now consent to its removal.

Mr. Stewart's obstructive policy was in some respects very shrewd. Instead of openly opposing better transit in the abstract, he ostentatiously favored impracticable schemes into which he was careful to invest very little money, but let the public and enthusiastic promoters "soak" their energies in them. This proved a very effective method of delay or defeat.

Mr. Stewart was also a most persistent opponent of the elevated system which he tried to keep out of the city altogether. When remonstrated with by the philantrophist Peter Cooper, that he ought to aid any plan which might afford amelioration to the masses, he replied in the presence of the projector, that he managed to get between his dwelling and his business in his own way, and others must do the same. The particulars of his defeat in carrying out his selfish policy respecting the elevated system will appear in another place, but it goes without need of saying that a man as rich and influential as the "Merchant Prince" (as he was styled), had a large following of property owners and others as short-sighted and as selfish as himself, but space in these pages will not permit farther mention of such individuals.

Alexander T. Stewart.

NOTE.—This is the only correct likeness of Mr. Stewart published. It is from a pen and-ink sketch made while he was living. by a person in his employ. It is an interesting and significant fact that Mr. Stewart never sat for a photograph, and did not leave at the time of his death a single portrait of himself, although possessed of wealth estimated at from fifty to sixty millions.

CHAPTER V.

Competitors for the Urban Transit Prize.

It will naturally be surmised by the reader that when the greatest city on the Western Hemisphere was in dire straits for better methods and more extended facilities for inter-transit, the minds of the best engineers and financiers of the nation, and of the world, would be attracted to study the case, in order to gain by a solution of the problem, the prize which was assumed as a matter of course to await the successful competitor.

That such was the case the following records of individual efforts in that direction will verify.

The reader should, however, be informed that while the order of date will, as far as practicable, be followed, it will be necessary to continue each instance cited from its beginning to its end, irrespective of cotemporary events in the same field of effort, or priority of dates.

THE FIRST UNDERGROUND SYSTEM PROJECTOR.

The one earliest in the field was a promoter by the name of Hugh B. Wilson, from England or Scotland, who proposed to transplant the London system of underground railways to take root upon the Broadway route in New York City. The Legislature of 1865 passed a bill as he desired it, but the property owners, led by Mr. A. T. Stewart, appealed to the Governor for a veto, which was granted and sustained. Mr. Wilson haunted the Legislative Halls for several years afterward, but got no further foothold for his scheme, and eventually dropped out of notice.

THE SECOND UNDERGROUND SYSTEM PROJECTOR.

In the years 1866-67, there appeared in this special arena a Western capitalist who would attract attention anywhere from his fine presence and wonderfully magnetic personality. Mr. William B. Ogden was known throughout the country as the personification of Western energy and success. Going to Chicago among the early settlers he was its first Mayor and becoming the possessor of scores of its primeval acres, it was not long before he rated as a millionaire. With sagacious foresight, he aided Chicago's growth by projecting its earliest railway lines and as President of the Chicago and Galena, and later on of the "North Western Railway System" (now comprising five thousand miles or more of first-class routes) was esteemed at the West as one of the most influential "railway magnates," beside controlling vast interests in mining, manufacturing and lumber enterprises..

William B. Ogden.

Preferring a residence in New York, he bought a large tract of land bordering upon the Harlem River, and determined to distinguish himself by showing the New Yorkers how to secure the boon of rapid transit. Noting the failure of the first underground project, from antagonizing the prejudices of Mr. Stewart and other Broadway property owners, he proposed by changing the route to avoid that powerful opposition and yet to secure a through rapid transit underground route the entire length of Manhattan Island. He obtained a charter therefor in 1868, with amendments in

1869, and then exploited for capital in the most pronounced Western style. Contracts for the construction were announced as let in London and the stock as going so fast there that New Yorkers would have to be spry to get any of it. Vivid word pictures were drawn of the progress soon to be seen in the construction department. But alas! neither the capital nor the work would "materialize," and an utter failure was the only result, but with figures as shown in the last report of the Corporation, indicating intensity of effort worthy of a better fate. Report to the State Engineer, dated 1873-74, shows :

Stock paid in	$220,000
Funded debt	231,000
Floating debt	300,000
Total	$751,000
Paid for land	960
" Construction work	2,750
Total visible assets	$3,710
Net promoting expenses	747,290

What made the collapse of Mr. Ogden's scheme more noticeable was the fact that he had important political power assured him from a combination with the late Samuel J. Tilden, whose influence and career is noted in other pages. Mr. Ogden's death followed not long after the demise of his rapid transit project, which, so far as the charter was concerned, was subsequently sold for debt under foreclosure proceedings.

THE THIRD UNDERGROUND TRANSIT PROJECTOR.

Cornelius Vanderbilt.

Public expectation was on tiptoe in 1872, when the greatest railway magnate and capitalist of the age, the peerless Cornelius Vanderbilt, stepped into the New York arena and was announced as ready to wrestle with the rapid transit problem! In some respects he was the most remarkable man of his generation. Commencing in youth as a ferry-man, earning a few pennies an hour, he died the most famous capitalist in the world, and the most influential one upon this continent, having acquired his wealth and business reputation, not by trick and device, but by sheer force of intellect, commercial integrity and sagacity, which seemed superhuman. After he had worked his way to the front as a manager of, and investor in inland steamboat lines, and ocean steamship enterprises, he foresaw the sure triumph of the locomotive, and turned his energies and wealth into that channel just at the right time. He bought Harlem stock at $6 per share, which, under his management, became scarce in market at an offer of $250 or more. His wealth was estimated at from $100,000,000 upwards.

The State simply indicated the public sentiment, when upon an intimation of a willingness on his part to solve the rapid transit problem it enacted,

Chapter 834, laws of 1872, of which the first section reads thus :

SECTION 1. "Cornelius Vanderbilt and such "other persons as he shall associate with "himself, are hereby created a body cor- "porate and politic by the name of the "New York City Rapid Transit Com- "pany. The said corporation shall con- "tinue for one hundred years from the "passage of this act, and shall be located "in the City of New York, and the capi- "tal stock shall be twelve millions of "dollars, divided into one hundred and "twenty thousand shares of one hundred "dollars each."

What result followed? Nothing! The charter was allowed to lapse and not a stroke of construction work was done under it! There was no public explanation given, but it was privately understood that the "Commodore," as he was usually called, had been urged to take hold of the matter by his familiars and tacitly consented until the charter was obtained. Then he brought the lenses of his powerful mind to focus upon the subject and his experienced judg-

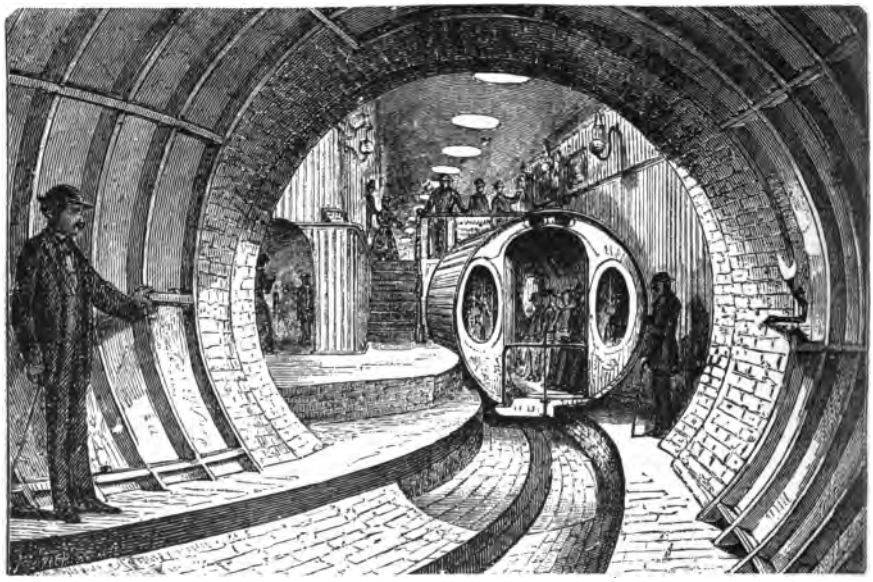
ment to scan the obstacles thoroughly, when he concluded that it was a more difficult problem to master than he had supposed, and upon due reflection declined to undertake it.

In other words, capital, prestige and unlimited credit were his humble servants, but the inventive genius to originate new methods to meet the exigencies of the case, was a stranger to him. Hence he wisely retired from the scene.

UNDERGROUND PNEUMATIC TRANSIT PLAN.

Among the plans having reference to special motive-power appliances was that of the Beach Pneumatic Transit Company, of which A. Ely Beach, one of the proprietors of the *Scientific American*, and a partner of the eminent patent-soliciting firm of Munn & Co., was the financial promoter, while Mr. Joseph Dixon attended to the procuring of desired legislative sanction.

The project was one of the earliest in the field for legislative approval, dating back to 1866-7, and several laws were passed relating to it. An illustrative section was started in Broadway at the corner of Warren street and some $250,000 expended upon it and its operating pneumatic machinery, but it was eventually merged into the "Arcade" railway scheme, proposed for essentially the same route, and the pneumatic feature was not retained as the proposed motive power.

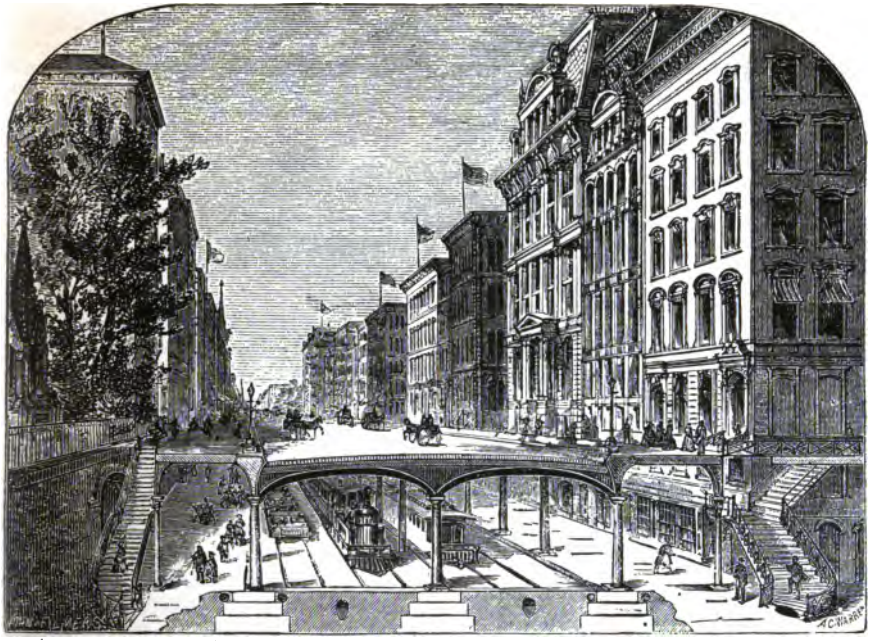


The Beach Pneumatic Railroad. (Copied from Promoting Pamphlet illustration.) Showing Warren Street Station with Car starting into tube.

THE "ARCADE" RAILWAY PROJECT.

This name was chosen by the promoters of a rapid transit plan, which, had it ever become a reality, would have dwarfed the London system of underground railways.

Its promoters proposed the excavation of a sub-surface street or passage-way under Broadway (the central thoroughfare, having the most valuable frontage in the city) from curb to curb, and in part under the sidewalks, and the re-construction of the surface roadway and walks upon an iron-beamed scaffolding, thereby creating a subsurface story, or unobstructed area of corresponding width and about twenty-five feet in depth, wherein tracks were to be laid for local and express trains, with stations, tunneled approaches, etc., as shown in the annexed cut, copied from a pamphlet published by the promoters of the "Arcade Railway."



Proposed Arcade Railway.

The chief promoter was Melville C. Smith, who is generally credited with having originated the plan.

Having abilities which secured political and official prominence in the State of Minnesota, he came to New York and undertook the project of the Arcade Railway, and was identified with its promoting interests for nearly a quarter century (1866-89).

There were two features to be noted in its public career. One was the extraordinary amount of newspaper laudation, and of illustrated documentary printing, published annually in its behalf; another, the remarkable array of names of distinguished engineers and civilians who, from time to time were announced as officially connected with it. Among the members of the Board of Consulting Engineers were General George B. McClellan, of the U. S. A., and commander at the great battle of Antietam, and also in 1864, the nominee of the Democratic party for the National Presidency. General Quincy P. Gilmore, U. S. A., who directed the bombardment of Charleston and the reduction of Fort Sumpter in the late war. Hon. J. McAlpine, the constructor of the government dry-dock at Brooklyn, and consulting engineer to the Austrian and Brazilian Governments. Hon. S. H. Sweet, State Engineer, besides others of like special prominence in that profession.

The presidency of the corporation was, at the time of his death, held by ex-United States President Chester A. Arthur, who succeeded General Garfield as the Executive of the nation; while the treasuryship was, for a time, held by the Hon. Mr. Windom, present Secretary of the National Treasury.

All these concomitant personal influences did not, however, together produce a feasible plan for combining the minimum of cost with the maximum of public convenience, as the elevated system has done.

The Arcade plan involved an enormous cost per mile, as its promoters conceded, but had that financial load been overcome, the fact yet remained that it could accommodate but a small section of the city with convenient rapid transit between points within municipal precincts.

The promoters obtained Acts of the Legislature at various times to authorize or

regulate its construction, but in securing sufficient capital they encountered delays which led to serious lapses of vested rights. At last, in 1887-8, the statement was published that foreign capital was sufficiently pledged to warrant active proceedings, and it was announced that the work of actual construction would soon commence. But there remained gigantic difficulties which must be overcome. The deep and wide sub-surface gallery already mentioned as the main feature of the project, must of necessity, be carried through a filled-up arm of the sea (at the depression of Broadway near Canal street), with a pressure of about eighteen feet "head" of freely percolating tide-water rising within four feet of the present surface of the street, to be exerted upon the bottom and sides of the extended sub-surface area. To do this while preserving the surface unobstructed for overcrowded street purposes, if an engineering possibility, yet involved enormous cost not susceptible of reliable estimate in advance of actual results.

Another of these difficulties was the question of damages to the immense business interests located along that street, to be caused by the interruption of trade and travel in various parts of Broadway during the process of construction, and the possible injury of foundations of adjacent buildings from contiguous excavation upon a lower level.

The considerations last mentioned caused the property owners to combine in testing the legality of the charter, with the result that a decision adverse to the company was rendered by the court of last resort, early in 1889, thereby removing the Arcade project from the list of those offered as a solution of the rapid transit problem; a conclusion reached only after a long and notable record, and doubtless with a corresponding expense in the promotion of its complicated interests.

Thus far as to underground transit projects; which, no doubt, owed their inception to the measure of success previously attained by the first and only example; namely, the system of subterranean rapid transit demonstrated by English Engineers and financiers, as in a measure practicable beneath the streets of London, but involving very different conditions beneath the streets of New York

THE SUBSIDIZED VIADUCT RAILWAY SCHEME.

In 1871, Tweed, Stewart and Field were at the zenith of their respective careers. The first named was the Political Dictator, the second esteemed the Solon of Finance, while styled the Merchant Prince, and the third being the unrivaled Manipulator of the Courts.

Tweed desired the launching of a new rapid transit scheme as a source of plunder; Stewart wished to have a voice in it, to control its route; (which was accordingly located to cross, rather than to follow Broadway,) while Field, as counsel for the "Boss," would naturally anticipate fat retainers from this new "Creature of Law" perhaps more "juicy" than those flowing into him from "Erie" or the new Court House.

As the result of confidential conferences what was known as the "Viaduct Plan" was agreed upon. It was in the main to be an open air-line of double-track railway, elevated upon masonry arches, and, except at street crossings, to be built upon private property condemned by legal process for such purposes, and as to be subsidized by public monies drawn from the Treasury of the City of New York, and from the taxpayers of the opulent County of Westchester, which adjoins the city on the North.

When it was announced that these three leaders of politics, commerce and law, were jointly in the field with a new scheme competition seemed at an end. Their almost irrestible power was soon manifested. Mr. Tweed in his Senatorial capacity introduced into the Legislature and caused to be passed without delay a law unprecedented in many respects in the annals of the State.

It is to be found as Chapter 300 of Session Laws of 1871 entitled, "AN ACT TO "INCORPORATE THE NEW YORK RAILWAY "COMPANY FOR THE PURPOSE OF PROVIDING "RAPID TRANSIT THROUGH THE CITY AND "COUNTY OF NEW YORK AND WESTCHESTER "COUNTY, AND TO PROVIDE FOR THE CON- "STRUCTION AND OPERATION OF RAILWAYS "THEREFOR. PASSED APRIL 5, 1871.

Part of Section 1 reads thus:

"The said corporation shall continue for

one hundred years from the passage of this act, and the capital stock shall be twenty-five millions of dollars, divided into two hundred and fifty thousand shares of one hundred dollars each, with powers to increase such stock from time to time as shall be required, herein authorized and as hereinafter provided."

Part of Section 14 reads as follows :

"The Mayor, Aldermen and Commonalty of the City of New York are hereby authorized and directed, through the Comptroller of said city, to subscribe for five millions of dollars of the stock of said company * * * which shall be known as the "New York Railway Fund Stock."

"The Board of Supervisors of Westchester County may authorize the issue of the bonds of said county, redeemable in not less than thirty years from the date of their issue, for the purpose of aiding in the construction and extension of said railway through such county, to such an amount as the said Board of Supervisors may deem proper."

By a supplementary law passed the same session as Chapter 808 the property and franchises of the new company were exempted from taxation for nine years and during pendency of legal proceedings, which might have been continued for twenty years longer.

To complete and fortify the intended monopoly of rapid transit a bill was introduced by the same interest to abolish the then experimental elevated railroad, as will be more fully noticed hereafter.

Here, then, was a grand scheme to be undertaken by the city itself with a cash subscription of five millions of dollars, which would, of course, be but the first one of a series, reasonably estimated to reach an aggregate of not less than fifty millions, had the plan taken root and branched out to its natural or intended dimensions. But power was also conferred it will be noticed, to pledge the entire property of the rich County of Westchester for its utmost value, if its politicians of a certain official grade deemed proper so to do ! The man who could thus wield the sovereign power of the State to tax cities and counties without a petition from, or the consent of the inhabitants thereof, was certainly entitled to be styled "the Boss !"

This wonderful charter was promptly passed with the acclaim of the press, which was soon filled with the announcements of what was to be done under its provisions.

Some idea of the structure proposed may be obtained from contemplating the view of viaduct line crossing Broadway, thus :

From official plans published in 1871.

Mr. Stewart's confidential agent and legal counsel, Mr. Henry Hilton, was elected President of the Corporation, supported by a long list of leading capitalists and "Tammany Braves," as Directors and Stockholders in bewildering juxtaposition.

Magnificent offices were leased at the corner of Broadway and Warren street, duly

described in the newspapers, down to the wax polished hard-wood floors, which were then a novelty.

All this was the play of Hamlet with Hamlet left out! Not one of the principals directing this project had any knowledge germane to the main question of selecting and adopting the most practicable and advantageous plans for supplying the needs of the city for rapid transit from homes to business and from business to homes. This the viaduct plan could never have done.

But alas! for the outcome of the pet project of this trio of personified, political power, misguided capital, and partizan law.
Its buds of promise were unfolding only to be blasted in a night, and to fall to the ground to be trodden under foot of men during that unexampled blight of "great expectations!"

Tweed's embezzlements had become suspected and were ere long proven, and he transformed from a local dictator into a fugitive from justice.

Messrs. Stewart and Hilton suddenly concluded that their special forte was in mercantile pursuits, and let it be known that they were thenceforth attending strictly and solely to that reputable calling; while D. D. Field found it convenient for a time to study international law upon the shores of a distant nationality.

The charter lapsed in due time from "non-user" as no other than its originators could hope to be permitted to wield the tremendous powers which it gave. Thus ended the "Viaduct" scheme, with its FIVE MILLION BONUS FROM THE PUBLIC FUNDS!

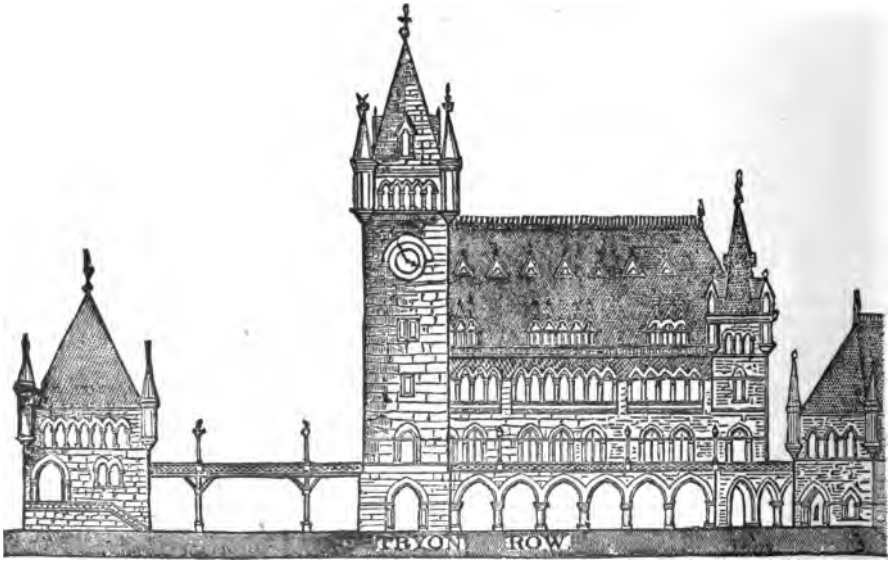
Space will not permit further consecutive notice of the most prominent of the many *unsuccessful* schemes which, during the last twenty-five years, have been competitors for the honor and profit of furnishing rapid transit in the City of New York. The defeat of each and all of them was so complete that not a vestige remains to attest their previous existence.

This remarkable exhibit teaches several lessons, some of which may be epitomized as follows:

THAT THE "DOLLAR" IS SOMETIMES NOT "ALMIGHTY."

THAT CAPITAL WITHOUT SKILLED GUIDING MIND IS LIKE SAMSON SHORN OF HIS LOCKS.

THAT NAPOLEON WAS A WISE PHILOSOPHER IN SAYING THAT GREAT OCCASIONS DEMONSTRATE THE VALUE OF A MAN, RATHER THAN OF MEN.



Depot of Viaduct Railroad opposite City Hall, according to published official plans.
(See New York Tribune, of July 8, 1871.)

PART SECOND,

IMPROVEMENT—IMPERFECT, YET IMMENSE.

CHAPTER VI.

Progressive Preliminaries.

Having depicted in former chapters the necessities of the City of New York which could be ameliorated only by improved transit facilities, and having delineated the distinctive features and main points of history of the most prominent unsuccessful schemes projected to meet the city's need, the reader's attention will now be invited to the promoting effort that alone met the exigency with a measure of success, which, while not perfect, was practicable, and became effective to a marvelous degree, having already revolutionized the social conditions of the city, so far as the evils of unavoidable overcrowding are concerned, but with immoral elements forced upon it of State stultification, Municipal meanness and of injustice to individuals which in combination constitutes "THE MOST NOTABLE ROBBERY OF MODERN TIMES.

To promote continuity of statement, the reader will be considered the spectator of a series of events commencing at Albany, in 1866, as follows:

ACTION BY STATE SENATE.

The question of relief for the overcrowded condition of the City of New York was before the Legislature, and especially, the Senate, which then contained an unusual number of members distinguished both within and without the State, for their great ability and high reputation. Conspicuous among them was ex-Judge Folger, afterward Chief Justice of the State and Secretary of the National Treasury; Ezra Cornell, founder of the great University bearing his name; A. J. White, late president of the same, and recently minister to Germany; G. H. Andrews, the eminent journalist; Henry C. Murphy, formerly minister to the Hague, and the successful projector of the Brooklyn bridge; ex-Judge Henry R. Low, with others of whom space will not permit farther mention. These leading minds wrestled with the city transit question until Judge Folger remarked, in addressing the Senate, that the topic had consumed a large share of the annual session, and yet it seemed then no nearer a satifactory conclusion. The last hours had arrived, when the late Samuel B. Ruggles, (to whom the city is indebted for the inception of the beautiful Gramercy Park), who was in attendance at Albany for consultation with legislators on the all-absorbing topic, drafted and handed to a Senator, who offered the following resolution which was adopted by a unanimous vote of the Senate:

"*Resolved*, That a select committee of "three be appointed to sit, during the "recess, with the Mayor of New York, the "State Engineer and the engineer of the "Croton board, to ascertain and report to "the Senate the most advantageous and "proper route or routes for a railway or "railways suited to the rapid transporta-"tion of passengers from the upper to the "lower portion of the City of New York, "having in view the greatest practical "benefit and safety to the public, and the "least loss and injury to property on or "adjacent to said route or routes."

ACTION OF STATE COMMISSION.

The commission, when organized, met in New York City and sent out the following advertisement, which was published in the

leading cities of the United States and of Europe :

[New York Herald, June 15, 1866.]

NOTICE TO THE PUBLIC.

The Senate of the State of New York, on the 20th of April last, adopted the following resolution :

[The same as above quoted.]

The following are the members of the commission : Senator George H. Andrews, Senator Henry R. Low, Senator Charles G. Cornell, State Engineer J. P. Goodsell, Mayor John T. Hoffman, Engineer Alfred W. Craven.

At meetings of the board, held on May 31 and June 2, it was resolved that parties interested be and they are hereby invited to submit plans and specifications upon the subject embraced in the above resolution, to be addressed "to the Senate Commission on Railroads," at the office of the Street Commissioner, corner of Broadway and Park Place, in the City of New York, on or before Tuesday, the first day of August next.

The committee deem it desirable that the plans should be accompanied by approximate estimates of expenses.

GEORGE H. ANDREWS, Chairman.
A. W. CRAVEN, Secretary.

[New York Herald, September 13, 1866]

CROTON AQUEDUCT DEPARTMENT, }
ENGIN'RS OFFICE, NEW YORK, July 27. }

NOTICE TO THE PUBLIC—POSTPONEMENT.

The time for the reception of plans is extended to the first day of October. By order of the committee.

A. W. CRAVEN.

Scores of plans from engineering experts in both the Old and New World were sent to the Commission; months were spent in consideration and collation of the same, and on the 31st of January, 1867, its report, in a volume of one hundred and sixteen pages, illustrated with thirty engravings, was placed on the legislative files as Senate Document No. 28.

To the surprise of many, but one original plan of a novel method was recommended, and that in the following words :

"Among the plans for an elevated railway in the streets, that presented by Mr. C. T. Harvey, C. E., appeared to have been the most carefully prepared, the most free from engineering difficulties involving the question of safety, and the least objectionable as to the application of the motive power. The promoters of this plan ask for the privilege of constructing one-half mile in the northern portion of Greenwich street, as an illustrative experiment; and the Commission recommend that permission be granted by the Legislature to that extent."

"A satisfactory synopsis of this plan may be found in Appendix F, attached to this report."

ACTION OF THE LEGISLATURE.

The report was adopted and the Legislature proceeded to carry out its recommendation by the passage of a law entitled, "AN ACT TO PROVIDE FOR THE CONSTRUCTION OF AN EXPERIMENTAL LINE OF RAILWAY IN THE COUNTIES OF NEW YORK AND WESTCHESTER." Passed April 22, 1867.

The plan thus solicited, selected and recommended by State authority, and sanctioned by its laws, was the original conception and became the nucleus of the present elevated railway systems of New York and Brooklyn, the first of their kind in history.

The plan of structure published in Senate Document 28, page 73, of which the following is a photo-lithograph, includes, as will be seen, the main features of all the elevated street railroads that have been erected since that time.

Perspective view on exact scale of proposed Elevated Railway, in front of A. T. Stewart's block on Broadway, bet. Chambers and Reade Sts., N. Y.

Many, if not most, of the achievements of genius in the departments of mechanics and engineering, have had rival claimants for the credit of the original conception. Deficiency in records both as to dates and other attendant circumstances have often rendered an award respecting paternity and priority of inventions, difficult or inconclusive.

But uncertainity does not exist in this case.

The records of examinations instituted by the authorities of the State of New York, as well as the archives of the Patent office at Washington, attest that the person mentioned in the Senate Commission Report is clearly and solely entitled to the distinction of being.

THE AUTHOR OF THE ELEVATED RAILWAY SYSTEM FOR RAPID TRANSIT IN CITIES.

Charles T. Harvey.

That this title was not earned by chance, but by prolonged and studious preparation, will duly appear from the official record hereinafter quoted.

The successful competitor last mentioned was already known, not only as the Legislative Promoter, but also as the Supervising Engineer, and Building Manager of the most creditable, and the most useful national work of its class on this continent. To wit: the Ship Canal at the outlet of Lake Superior.

At its completion he received the unanimous vote of thanks of the Constructing Corporation. This was engrossed on parchment, a photo-lithographic copy of which, is preserved in the State Documents. (Senate Doc. 21, of 1889), and attested by the signatures of the late Erastus Corning, first President of the New York Central Railroad Company, and the late John V. L. Pruyn, former Chancellor of the University of New York, as the President and Secretary, respectively, of the St. Mary's Falls Ship Canal Company.

Aside from this marked distinction as an Engineer, it is also known that the author of the Elevated Railway system had a record as a Legislative promoter second probably to none.

He drafted the charter, and secured its passage at Albany in 1853, under which the aforesaid canal, then the largest in the world, was successfully carried to completion. In 1856-57 he suggested, drafted and advocated at Washington, laws which Congress adopted with an unanimity, which veteran members of both the Senate and the House, almost to the date of their passage, deemed impossible, but the beneficial effect of which in promoting the rapid settlement of some ten States of the Union, is well-nigh incalculable.

A historical sketch of this effort, will ere long appear in a well-known magazine, to which readers can in due time refer.

This parliamentary experience proved, as will be seen, an indispensable element of success in securing improved rapid transit for New York City; it is nearly as important as the ability to furnish the original engineering plans. Students in biographical lore can find farther material in this case by consulting Senate Document No. 21, of 1889, to be found in the public libraries of the State. The Senate Committee are therein recorded as suggesting the presentation of any facts bearing upon Mr. Harvey's previous experience as an experimenter. In complying, the latter gives sundry examples to show that persistence is the main requisite for success. He makes therein the remarkable statement, that disgust with the methods of legislation during the Tweed regime led him to abandon one line of experiments which, between that time (1869) and this, would, without using public funds, have saved the State and its citizens at least one hundred millions of dollars, the major part of which could now have been in the State Treasury!

Can anyone disprove that assertion?

CHAPTER VII.

Engineering Features.

The successful competitor before the New York State Commission, returned to the City of New York in 1864, as the author has learned, after an absence of 14 years, in which he was occupied in engineering and business operations at the West.

His attention was soon called to the city's great need of a comprehensive system for rapid transit, and he determined to devote himself to the solving of that problem; to this end, he withdrew from all other engagements; and for a period of more than two years made that subject his especial study at his suburban residence. There, in a spacious work-room, equipped expressly for that purpose, he drew plans and devised models, until, without drawing upon suggestions from any extraneous source whatever, he adopted two main principles.

FIRST :—THAT THE MOST PRACTICABLE FORM OF STRUCTURE FOR CITY RAPID TRANSIT WAS, A SYSTEM OF METAL-FRAMED TRACKS SUPPORTED UPON WROUGHT-IRON COLUMNS, PLACED, SO FAR AS PRACTICABLE, ALONG THE CURB-STONE LINE IN THE STREETS.

SECOND :—THAT THE BEST FORM FOR MOTIVE POWER THEREON WAS A SYSTEM OF ENDLESS WIRE CABLES CONNECTED WITH STATIONARY SUB-SURFACE ENGINES.

Having reached these conclusions early in 1866, he proceeded to plan for the best ways and means to demonstrate the correctness of his theory. He visited Albany the same year; and drafted and procured the passage by the Legislature of New York, of the first law ever placed upon any Statute-book to provide for the organization of corporations to build what are known as "cable railways." There he came in contact with the State officials who were, as already stated, authorized to solicit and report upon rapid transit methods, and at once set himself to prepare competitive plans for their inspection.

He hired rooms in New York City, where the Equitable Building now stands, and not only prepared ordinary pen-and-ink drawings, but also models in wood of the proposed track and columns upon a working scale, and also of a cable-traction device wherein he used the "tunnel," a feature now adopted by all surface-cable railways. It was in those rooms that the author of these pages first met him, and began an acquaintance which has continued until the present time.

The State Commission, previous to making their report, came in a body to Mr. Harvey's rooms, and spent hours inspecting his drawings and models and hearing his explanation of the same, and in its report, (see page 41) certified his exhibits to be the most carefully prepared of any that were brought to their attention. In this exhibition was a circular model—about ten feet in diameter—of an elevated railway equipped with a miniature stationary engine (supplied with steam from a small copper boiler, still in existence), which drove two endless diminutive cables to which "trucks" (as explained elsewhere) were attached, and, thus propelled, a lilliputian car around the track continuously and under rapid motion.

Soon after the Legislature of 1867 convened, two full-sized models in wood, one a span of the proposed elevated track, and another of the proposed form of supporting columns fourteen feet in height were taken to Albany and placed on exhibition in the upper-story of the warehouse of Erastus Corning & Co., near the place of exhibiting the circular model. The working model of the cable power was also taken to Albany and exhibited in running order in the parlors of the American Hotel on State street, near the capitol. Mr. Harvey invited the Senators to inspect it on the evening of March 21st and provided an elaborate collation. The Senate came en masse, and did justice to the attractive features of both model and supper. Speeches were made, and several very enjoyable hours thus spent. The author was present, and has often wished that a photograph had preserved the personèl of the assemblage seated at the long table spread in those double parlors, where Mr. Harvey, as host, presided, with Ezra Cornell, the pioneer constructor of all telegraph lines, next upon his right; while Henry C. Murphy, the legislative

father and first President of the Brooklyn Bridge, occupied a similar position on his left. That historic gathering comprised, perhaps, the most notable roll-call of distinguished Senators occurring during this century, (see mention on page 39). The day following the collation the Senate called up the "Bill to provide for an Experimental line of Elevated Railroad, etc.," as drafted by Mr. Harvey, considered it in Committee of the Whole and ordered it to a third reading, (March 22d). As soon as that order of business was reached (March 26th), it was passed with but one dissenting vote, that vote being from the only voting Senator who was not present at the exhibition and collation before mentioned!

That was most efficient as well as most novel "promoting."

The law of 1867, which authorized an illustrative section of an experimental Elevated Railway to be built on a specified (Greenwich) street in New York City upon the plans of Mr. Harvey, required that one-half mile in length should be first erected and actually operated by cable traction power, when made ready by the inventor for State inspection by the Governor personally, or by commissioners appointed by him to inspect and report upon the exhibition.

If such exhibition should win the specified State approval, the elevated railroad became vested with permanent right of continuance and extension, but if the State inspectors deemed it to be a failure, it was forthwith to be removed at the expense of its projector and associates, who thus risked the entire outlay without any aid or rebate whatever from either State or City.

It was under these unprecedented and onerous conditions that Mr. Harvey proceeded with the work.

With the law thus enacted and the funds raised for the Experimental Elevated Railway, Mr. Harvey was formally appointed its Chief Engineer, and in that capacity proceeded with the erection of the first section of elevated railway for city rapid transit purposes ever built. The initial column was raised into position October 7, 1867, at the corner of Greenwich street and Battery Place, and to the wife of the inventor was accorded the honor of affixing the first screw bolt, which fastened the upright track-supporting column to the metal-flanged "pier-cap or plate, covering and firmly attached to the pier of masonry which constituted the solid sub-surface foundation. (See note *a*.)

As Mrs. Harvey was also the first woman to take a ride in a passenger car upon the pioneer elevated railway of this city, and of the world (see page 61), her likeness with evident propriety, ought to be preserved in the pages of this historical memento of that enterprise: — The following is a copy of her photograph, taken during that period:

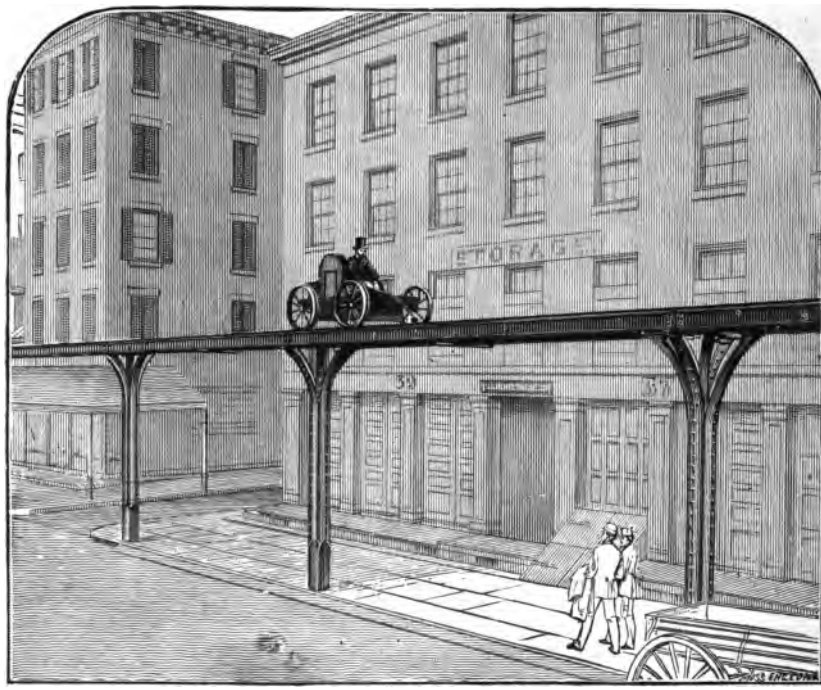
Mrs. Charles T. Harvey.*

Within a few months, Mr. Harvey had the illustrative structure duly erected, and was preparing to equip the same with the specified motive-power appliances. During this period he had, of course, to give the closest attention to the details of the plans of which he was both inventor and constructor. Most fortunately for the interest of this narrative, at the time of his earliest inspection—ride over the pioneer elevated railway, to note the working of the traction cable used for the first time there-

(*a*) (Mr. Harvey's original plan, as to that important detail of elevated railways, has been copied in every elevated railway since erected)

* Mrs Harvey has also the distinction of having been the first woman to reach the shores of Lake Superior over the first public road, opening communication thence to settlements in lower latitudes. She traversed, in 1861, the Upper Peninsula of Michigan on horseback, when her husband established the earliest overland stage route to that vast region. .

on, a photograph was taken and is now preserved, from which the following engraving is copied. It shows Mr. Harvey seated in a hand-car and being moved over the railway in connection with a traction cable placed in a continuous tunnel located between the tracks. This occurred in December, 1867.



PHOTOGRAPHIC VIEW OF THE FIRST RIDE EVER TAKEN UPON A RAILWAY EQUIPPED WITH SERIAL TRACTION CABLES AND STATIONARY ENGINES AS THE MOTIVE POWER.

This view is, therefore, taken from the scene in actual life, when, for the first time in history, serial endless wire traction cables were used for transmitting motion to cars upon passenger railways, elevated or otherwise.

This photograph marks the commencement of an epoch in the history of engineering in the direction of improvements in urban transit facilities. This fact will be far better appreciated a century hence than at present, and the data here recorded will be classed by future historians as of like interest with the beginnings of the steam engine or the locomotive.

This prediction is made in view of possible improvements which may yet take place in this style of railways whereon the force to move trains is exerted by stationary power through the intermediary agency of serial endless cables, (which is the radical principle of which Mr. Harvey became the pioneer exponent, see note), in competition with those whereon the power moves with the load, as is the case with railways operated by locomotives. In like anticipation of ultimate results was the report made by the famous engineer, Horatio Allen, to the Directors of the South Carolina Railroad, in 1829, when in advising them to substitute locomotive for horse-power, he remarked—"there is no reason to expect any "material improvement in the breed of "horses, while in my judgment the man is "not living who knows what the breed of "locomotives will place at command.'"

NOTE.—The famous English engineer, Geo. Stephenson, was the sole predecessor of Harvey, in actually operating a traction cable railway This the former undertook in London nearly forty years in advance of the New York effort But the plans had little in common. Thus Stephenson used a hempen cable of nearly three inches in diameter which was not endless, but being extended

Thus the City of New York, while already possessing—thanks to the genius of Fulton—the distinction of being the birthplace of the first steamboat, the first steam-frigate, and the first steam-ferry in history; also of the first magnetic telegraph, by the patient labors of the scientific Morse, the first "Monitor" the first perfected Caloric Engine, through the tireless energy of the illustrious Ericsson, has had the yet more recent honor of witnessing the birth of the first elevated transit structure, and of the first serial cable traction system for passenger railway service, in spite of its persecuting attitude towards the indomitable Harvey.

That such distinctions have, from first to last, been most undeservedly conferred upon the metropolis of the Western Hemisphere, more fully appears elsewhere

STATE APPROVAL.

The trial section being in readiness within the time fixed by the law, was inspected by Governor Fenton, in person, as well as by the State Commissioners, and the Mayor of the city, (all of whom rode over the illustrative section in a traction cable car), and the plan was duly approved by the State, as evidenced by a certificate of the Governor, filed with the Secretary of State on the 2d of July, 1868, in accordance with a special law of the State of New York, as the following official State document will prove:

OFFICIAL APPROVAL OF STATE COMMISSIONERS.

To His Excellency REUBEN E. FENTON, *Governor of the State of New York:*

The undersigned Commissioners duly appointed as provided by section 5 of an Act of the Legislature of the State of New York, entitled "An act to provide for the construction of an expermental line of railway in the counties of New York and Westchester." passed April 22, 1867, hereby certify that they, as such Commissioners, on the 23d day of June, A. D., 1868, pursuant to and in conformity to the provisions and requirements of section 3 of said act, and of section 1 of chapter 855 of the Laws of 1868 of said State, proceeded to inspect and examine the Elevated Railway, constructed under and by virtue of, and as required by the said act first hereinbefore mentioned, commencing at the southerly extremity of Greenwich street, near Battery place, in the City of New York, and extending northerly along Greenwich street for a distance of half a mile in length. That at the time of said inspection and examination the said part of said Elevated Railway was put in practical operation, as contemplated by the West Side and Yonkers Patent Railway Company. That the undersigned Commissioners did thereupon, then and there proceed to and duly inspect and examine the said Railroad, its structure and operating machinery, and, upon due and frequent inspection and examination, as aforesaid, did and do approve of the structure, plan and operations of the said Elevated Railway, and did and do find that the same can be operated with safety and dispatch.

IN WITNESS WHEREOF, We, the said Commissioners, have severly subscribed our names to this certificate, at the City of New York aforesaid, on the 1st day of July, A. D., 1868.

JACOB S. FREER,
FREEMAN J. FITHIAN,
JOHN H. MORRIS,
Commissioners

PROCLAMATION OF APPROVAL BY THE GOVERNOR.

Having confidence in the fidelity and good judgment of the above-named Commissioners, I hereby give my approval as required by section 3, chapter 489 of the Laws of 1867. R. E. FENTON.

EXECUTIVE DEPARTMENT, }
ALBANY, July 2, 1868. }

STATE OF NEW YORK, }
Office of the Secretary of State. } *ss.*

I have compared the preceding with the original certificate made by the Commissioners appointed under chapter 489, Laws of 1876, together with the certificate of the Governor thereto annexed, filed in this office on the 2d day of July, 1868, and hereby certify the same to be a correct tran-

through the length of the railway, gave motion to the cars thereon by being reeled and unreeled, alternately, at the extremities of the route.

This clumsy plan was incapable of expansion into a system for long distances, and after a decade or two of use, was superseded by locomotive service on its line, which was about three miles in length.

Mr Harvey, on the other hand, used endless wire cables less than one inch in diameter, arranged in a series along the line of his experimental railway, so that the passenger cars in moving three miles, received impetus from six independent endless cables attached to sub-surface steam engines, the cars passing from one to the next, seriatim, at a speed which was greater than is at present maintained by locomotives on the same route. This method was and is capable of indefinite expansion as to distances Hence it will be seen that Harvey's invention was not anticipated by Stephenson in any essential feature, and therefore the former must for all time be considered as the originator of what are now known as "cable railways."

script therefrom, and of the whole of said original certificates.

WITNESS my hand and the seal of office of the Secretary of State, at the City of Albany, this 2d day of July, 1868

D. WILLERS, Jr.,
Dep. Secretary of State.

The New York *Tribune* of July 1, 1868, contained the following editorial notice:

"The remarkable work of constructing an elevated railway, which for nearly a year has caused wonderment to many, and excited the jealousy of scientific rivals, was again on trial yesterday. Last week his Excellency Governor Fenton, with Messrs. Fithian, Morris and Frear, Commissioners, appointed to examine into the workings of the road, and the members of the Croton Board, were among the number who traveled over the lower section of the route. Yesterday, by invitation of the directors, his Honor Mayor Hoffman, and a large delegation of the Common Council, went on board the trial car, and were whirled up Courtlandt street, from the beginning of the road at the Battery and back again, at the rate of nearly twelve miles an hour.

The actual cash expenditure required to provide this illustrative section for State inspection was $206,611.70, besides Mr. Harvey's prior outlay in providing the plans and securing the laws under which it was built.

These funds were obtained by Mr. Harvey either from his personal resources, or from friends who had confidence in his plans and aims.

When the enterprise had thus successfully passed the initial stage of the illustrative section with success, Mr. Harvey's next objective point was to extend it sufficiently to demonstrate its earning qualities before perfecting it in its engineering details. The reasons for this are best given in his own words as found in his statement to the Senate Investigating Committee on pages 32-3 of its report (Senate Document 21 of 1889).

"The child thus born required to be nursed and carried one step farther by promoting care and ability, namely: *Until it became self-supporting.*

My efforts were then concentrated on bringing it to the point when I could hope for personal relief, namely: A paying, revenue basis.

The advocates of the underground and viaduct systems insisted that even if this far cheaper line was built, the public would not deem it a safe transit, and it would prove a financial failure in the end. So said many business Solons, and most conspicuously the financial oracle of that day, Mr. A. T. Stewart, the richest merchant in the world. The following is but one of many of his utterances through the press and otherwise during that period of my endeavor, published as an "interview" in the *Scientific American*:

"*Opinion of Mr. A. T. Stewart*—THE WEST SIDE ELEVATED RAILWAY HE REGARDS AS A MOST RIDICULOUS AND HOPELESS SCHEME, SO DANGEROUS TO PASSENGERS AND SO EXPENSIVE THAT IT NEVER COULD, BY A REMOTE POSSIBILITY, SUCCEED; WHILE IT IS A STANDING PUBLIC NUISANCE, AND WOULD BE DECLARED SUCH, WERE THE COURTS TO DO THEIR DUTY."

On going into Wall street, to raise money for extending the line, I found that public opinion as to the ultimate success of the elevated plan was on the ebb, and could only be made to rise by the actual proof of its realizing an income. To secure this, I laid aside my experiments to improve the motive power, as well as all engineering pride in making a handsome structure, using wood largely, to economize funds, intending to supersede it when the credit of the enterprise was established and better plans became available. With iron at double the price it has been of late years, I pushed the construction work ahead and in eighteen months had built and partially equipped three miles extension of track and had raised by personal solicitation $700,000 additional funds. Then came the carrying of 25.000 persons upon free rides, then the trial of ten cent fares, then a rush of passengers who found they gained half an hour's time each way, and the system was saved, which is now the transit wonder of the period.

No feature of my promoting labor gives me more pride in review than this foresight. The directors leaned towards showing a short extension of ornamental structure as the best card to win public favor at that time. My own credit as an engineer was on that side, but my fears as to a possible financial crisis forbade, and after a long discussion I carried my policy by one majority in the Board meeting. The reverse would probably have been fatal. The first enterprise copied after it, was in Brooklyn, and known as the "Bruff" line. Its funds gave out before its elaborate structure was completed far enough to collect fares. It went into bankruptcy, lay idle for a series of six or more years, and would probably never have survived the movement to have it pulled down but for the wonderfully successful financial results exhibited in the meantime from my original line and its extensions."

We have here the statement of the original inventor of the elevated railway system of city transit, that he refrained from making contemplated improvements upon the first section as operated with cables, in

order to secure a length of route sufficient to warrant collecting fares, and thus realize an immediate revenue. [See frontispiece map.]

The route extended a distance of three and one-half miles, from the Battery to Thirtieth street at Ninth avenue, there reaching the then only terminal depot of the New York Central Railway system, (the present Grand Central Depot not being then in existence).

The first car was run through upon that line on the 14th of February, 1870; subsequently the route was opened for regular traffic on the 14th of the following November, with great success, as stated elsewhere.

No other railway ever had so many elements of novelty on exhibition and trial at one time. When the famous demonstration of the utility of locomotives for railway purposes was made on the Liverpool & Manchester Railway, of England, in 1829, at which the Prime Minister, in close proximity to the Duke of Wellington, was struck down and killed by a locomotive; that form of motive power, was in itself, a novelty, but not the railway on which it ran—the same form of track having long been in use with horse-power. But in this case the railway itself, as well as the motive power, was without precedent, being a complete innovation upon previous ideas.

The first column of such a railway ever erected, is that shown in the foreground of the following photographic view of the earliest-built section.

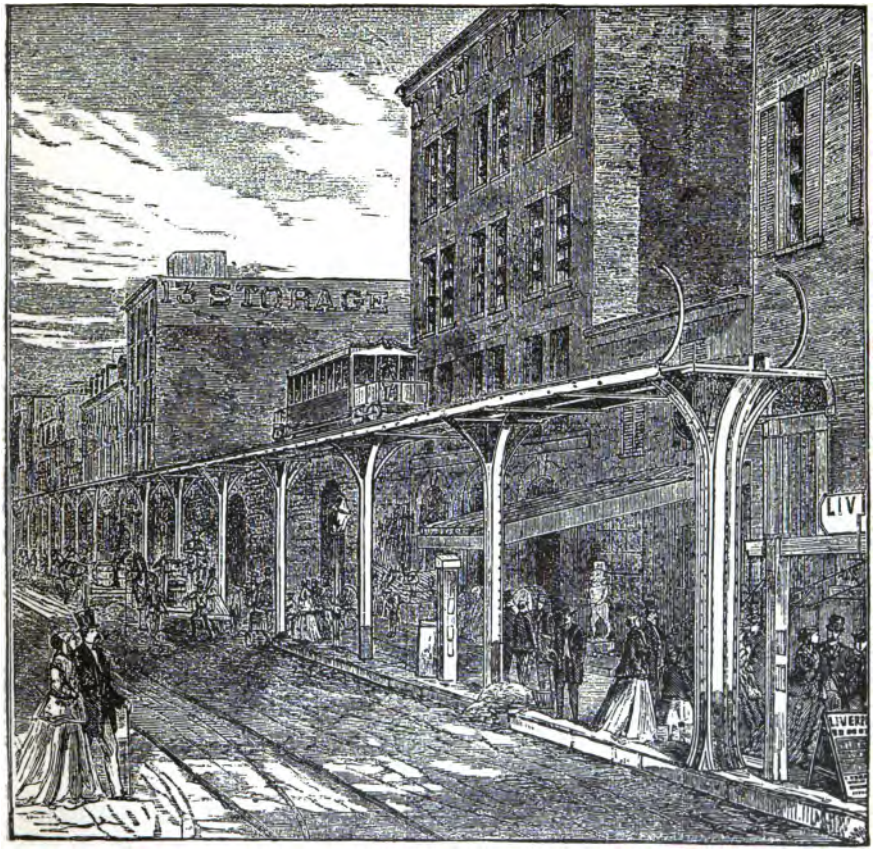


Photo-view of Southern Terminus of Experimental System of Elevated Railway, on Greenwich Street, commenced October 7, 1867.

In this example the cable ran in a wooden box or tunnel with a slot on its upper side (the end of the tunnel may be noticed in the center of the track), the four-wheeled trucks which were attached to the cable at intervals of about 150 feet had a "horn," which projected through the slot, and from contact with which, power was applied to the car. In the first instance these, as attached to the cable, left the tunnel on the upper track, passed through the end column, (which was made larger for the purpose) and were led into a sub-surface tunnel laid under the row of columns, and entering the vault where the driving engine was situated, passed around the driving wheel and thence to the upper tunnel through a similar column at the other extremity of the section of endless cable.

But here we will let the inventor speak for himself, by copying a part of his statement made to the Senate Investigating Committee of 1889, and found on pages 77-8-9 of Senate Doc. 21:

The next engineer to try the problem with a practical demonstration was myself.

I found that it resolved itself into two parts:

First. The application of the stationary power to the cable.

Second. The transmission of the power from the cable to the moving car or train.

During the three years that I had charge of the first serial cable traction railway ever built, I was occupied mainly with the first question.

The first stationary traction machinery which I used upon the illustrative section in giving the Governor his ride I shortly after threw out entirely. The next, after a short trial, met with the same fate. The third proved an unprecedented success, and that part of my endeavor was thereafter a known quantity. I expected to adopt certain improvements suggested during my progressive experiments, but I was then able to show a power exerted by the engine on the cable, limited only by the strength of the latter, which did not wear or tear it to any appreciable extent.

To arrive at this result I spent months of experimental study in the engine vaults beneath the street. One month, I remember, from my having spent every night, more or less in the engine vaults (except on Saturdays and Sundays), because I could, during night hours, have the engines run, or other attachments adjusted, without interfering with track progress, or public uses of the streets during business hours.

The experiments to solve this branch of the subject cost about $100,000, and was an excellent as well as indispensable investment. The method for contact between the cable and the cars I reserved for the last experiments, as naturally in their order, and because I thought they would take longer time and could be prosecuted while the railway was earning money by temporary expedients, and at the same time strengthen the faith of the public in elevated railways.

The inventive task involved in my original endeavor I then considered as three-fourths accomplished; fifty per cent. by the permanent adoption of skeleton iron railways in the streets; twenty-five per cent. by perfecting the stationary power attachment to the cable in vaults where the public could neither see nor appreciate its merit or importance; and now the last quarter of the "home stretch" was to perfect the "grip." Here the Tracy "acquirers" stopped me as before stated, but the remaining engineering points, having lost none of their interest or importance, will now receive special mention.

My plan of traction power as submitted to the State *was based upon the use of a bare cable*, as proven by the original drawings published in the State document of 1867.

Having concluded that the railway structural questions came first, and that while they were being settled and the promoting and financial efforts were absorbing more than nine-tenths of my time, the "grip" method must wait until I could take it up as a special study, when relieved of other distractions; for I considered it to be a difficult feature, and one which would require a nicety of experimental adjustment, and of application, not requisite in the other branches of the engineering and mechanical details.

The result of this wise forecast was that I avoided the "grip" question altogether by making a four-wheeled carriage of the following form:

Cable "Truck" Temporarily Substituted for a "Grip."

(Wheels 10-inch diameter at tread.)

This as attached to the traction cable was made to do double duty: *First*, to carry the cable instead of stationary sheaves; and *Second*, to move the cars, which were furnished with a rotating arm, which latter when placed in front of the upper end of the "horn," received an elastic impact

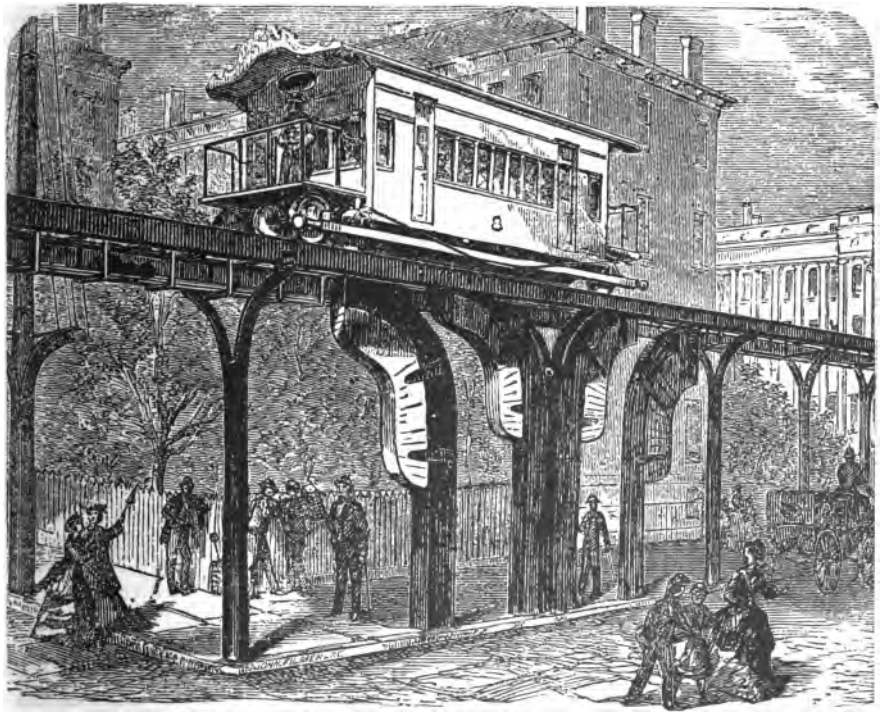
from the "truck," and thus bringing the traction power to bear upon the cars.

This temporary expedient was the only form of cable traction used upon the original railway. I first introduced it by having the trucks run in a box or channel with an open slot through which the "horn" extended to afford contact with the car. This tunnel plan is the fundamental principle of all the present surface cable traction railways, except that the arm of the car goes through the slot to reach the cable, and the latter is supported by stationary sheaves. The first half-mile was equipped as stated, but with the cable returning in a closed tube or box under ground. This answered a good purpose until winter came, when the cable, after a cold night, refused to move. A long examination followed, to ascertain the cause, till at last the spot was found where water had filled a section of return tube and frozen solid.

It being evident that this danger could never be certainly avoided, I took out the underground tube and arranged to have the entire cable placed overhead. The presence of the truck as a part of the cable, made this very difficult, but I finally arranged it so as to temporarily answer the practical business purpose in view.

This traction system was noisy only at the vaults, where the "trucks" had to plunge underground, revolve around the driving wheels and reach the track-level again, going at the rate of twelve to fifteen miles per hour (two lengths being operated from the same vault). Yet by using rubber packing, I found that objection could be mostly removed. The placing of the cable overhead with the trucks, required a two-story track, one above and one below the iron cross-ties. To build these with ornamental iron stanchions and frame-work, would be a serious item of cost, which the expected use during but a year or two would not warrant, consequently I used wood largely. That this material, as a part of a rapid transit structure for the great City of New York would not fail to draw down upon me sharp criticism from those who did not know the reason of its use as a temporary expedient, I realized full well, but deemed that the best course was to face that feature rather than bankruptcy, and accordingly fitted up the entire line in that way.

The following photographic view was taken in 1870, at the corner of 9th Avenue and 22d street, and shows the temporary attachment below the track-beams to ac-



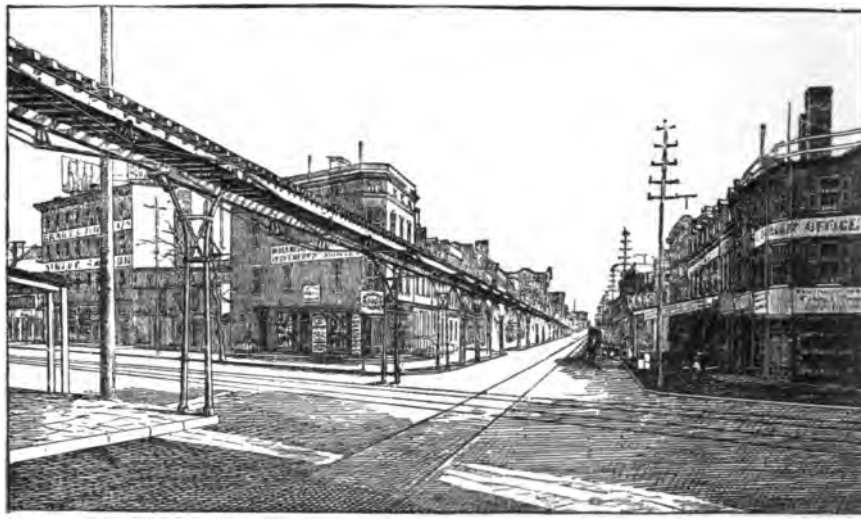
Photographic View of Experimental Car passing over Vault containing Stationary Engines, corner Ninth Avenue and 22d Street, N. Y. City, 1869–70.

commodate the return of the endless cable with its "trucks" as mentioned by Mr. Harvey. Beneath the four larger columns was the engine vault where, in a spacious sub-surface chamber, two driving wheels, each twelve feet in diameter, gave motion to the endless cables which operated somewhat more than half a lineal mile of the railway in each direction, or twice that distance jointly.

The car shown, had the operator placed upon an outer platform. There were seats for forty persons inside, and the entrance doors were upon the side. The form of car, however, was simply provisional, awaiting the further perfection of the motive-power, and was made as plain and cheap as safety would permit.

The inventor had mainly relied upon the form of composite columns style, which the iron manufacturers of specialties in that line were then prepared to furnish, known as the longitudinal segment. But before the railway had been completed along the route mentioned, he devised a new form of support which he introduced at the crossing of Canal street, as shown in the following photographic view, taken subsequently to Mr. Harvey's management, and after cross-ties had been added, which his plans excluded.

Photographic View Elevated Railway Junction of Greenwich and Canal Streets, 1875.



NOTE.—The tracks passing under the E. R. R. are those of the N. Y. Central R. R. to its main freight depot at St. John's Park.

To this style of elevated railway support he refers in statement in Senate Doc. 21, of 1889, page 73, thus:

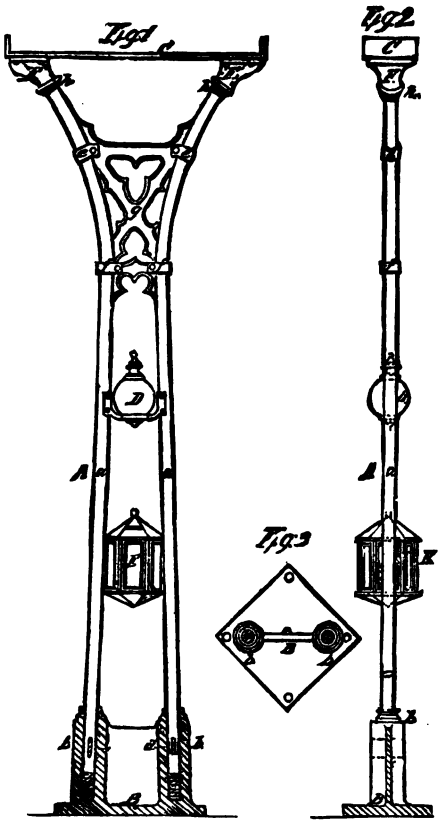
For this style of construction, I took out a patent in 1870. The following is a copy of the drawing and specification of claim.

My claim reads thus: "*What I claim as new, and desire to secure by letters patent is—*

"*1. A supporting-column, constructed of* TWO OR MORE SOLID RODS (*A*) *secured in sockets* (*b*) *of the base plate* (*B*) *substantially as described.*"

Four years later the New York Elevated Railway Company published its plans, of which the following is a copy of its drawings, and examples of the same are now in use upon Greenwich street. The difference is that four rods are used instead of two, but it is easy to see that while my patent covered that style, the two extra uprights are mostly surplusage and mainly metal affording little additional support.

This principle of a socket in the base plate to receive the upright shafts was a fundamental principle, which all elevated



Plans Patented by C. T. Harvey, in 1870.*

E, indicating letter-box.

D, street lamps, superceding lamp posts.

railway constructors have since copied. The New York Elevated Railway Company, organized to rob the inventor, as shown elsewhere, first copied the idea; as will be seen by reference to the above drawing. In 1875-6 Mr. Harvey exhibited a modification of the same principle adapted to the form of rolled iron, known as "channel bars" instead of to round shafting and this was at once copied by the Elevated railway constructors, as has been exemplified on the Third Avenue line in New York City and elsewhere.

That the original plans adopted by Mr. Harvey for the construction of elevated railways were original and successful, is proven by the testimony of the following high authorities.

NEW YORK, June 20, 1874.

"Hence, after a thorough examination of the subject, I have no hesitation in saying that the form of the Greenwich Street Elevated Railway is better adapted than any I have seen or heard suggested for an Elevated Railway. I mean a railway upon each side of the street, supported by wrought-iron beams resting at short intervals upon wrought-iron columns firmly imbedded in their foundations.

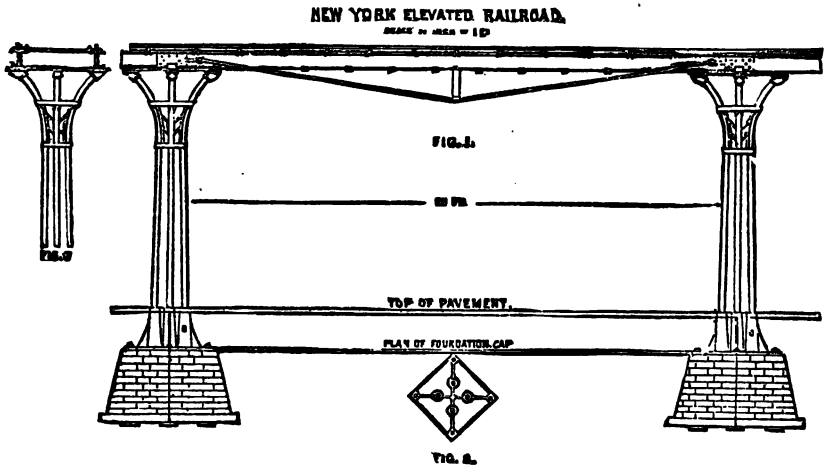
Yours truly,

"SAMUEL H. SHREVE,* C. E."

* Mr. Shreve is the author of "A Treatise on the Strength of Bridges and Roofs, with Practical Applications and Examples, for the Use of Engineers and Students."

Illustrated with 89 wood-cuts 346 pages. $5.00. D. Van Nostrand, publisher, New York

The *Polytechnic Bulletin*, of London, announces that after a thorough examination, it has been adopted as a text-book in the Polytechnic College of England.



Copy of Plan as published by New York Elevated Railroad Co., 1874.

The following extract is from "Report of O. Chanute, M. N. Forney, Ashbel Welsh, Charles K. Graham, and Francis Collingwood, the committee of the American Society of Civil Engineers, upon Rapid Transit and the handling of Freight in New York," read before a meeting of the Society, February 3, 1875, accepted with thanks, and ordered to be published in the transactions of the Society :

* * * * *

"If the alternative of two independent tracks, one on each side of the street, be preferred, Mr. C. T. Harvey is entitled to the credit of having been the first not only to propose, but to carry out such a system of construction."

Other explanations of details by Mr. Harvey to the New York Senate of 1889, will be found on page 74 of Doc. 21.

"This style of piers I patented in connection with my original plans, so that I can trace every distinctive construction idea as coming from myself; but I was interested to notice in the construction of the piers of the latest extension of the Sixth avenue line at the Harlem river, about 1884, that not only was the same plan of piers and bolt fastenings (with washers under the piers) used, as introduced by myself many years before, in the first foundation laid on Greenwich street, but also the identical process of using "templets" for setting the bolts true in the masonry, which I had at first to personally instruct the masons how to use in 1867.

I have to say further that all distinct features of the elevated structures of to-day can be traced directly to my original or subsequent plans, but minus improvements which I expected to make to them, of great value, and will publicly illustrate when I can see some guarantee against the shameless pirating to which I have been subjected, as shown elsewhere. The lines of elevated railroads now built on double rows of posts in the centre of the streets and avenues are simply scaffoldings, built upon my devices of columns, and foundations, and trussed girders.

There is nothing original in the doubling of the tracks, while the occupancy of the street surface, as thus shown, I have looked upon with astonishment, as exemplifying how far property-owners and city authorities would allow themselves to be imposed upon by imperfect and cumbersome engineering plans.

* * * * *

One historical fact in connection with the Sixth avenue route should be stated, to correct an error in the public mind. The fact that the route was first assigned to the Gilbert Elevated Railroad Company by the Legislature in 1872, to be built under the plans of R. L. Gilbert, has led to the supposition that his originally proposed plans were eventually used while in truth no semblance of them was ever utilized.

SUPPRESSION OF MOTIVE POWER IMPROVEMENTS; MOTIVES AND METHODS.

By a reference to page 47 it will be seen that the three and one-half mile section over which Mr. Harvey ran a car successfully on the 14th of February 1870, was not opened for public use in a regular way until November 14, 1870, and that as will appear elsewhere, he was, on the day following, prevented, by force, from continuing its use. In fact, during that interval of nine months, the projector was antagonized by a powerful, perhaps the most powerful, ring of railway-wrecking manipulators, then rampant, who had formed their plans to prevent the railway from becoming an acknowledged success until they, using their position and power as a majority of the Directors, had frightened the original stockholders out of their holdings and into selling at a mere pittance of the actual value or cost. Into this plot they invited the originating engineer upon a most tempting basis of profit, in consideration of connivance upon his part, as will appear elsewhere; but he refused to barter his integrity, while hoping that they would not resort to extreme measures until he could rescue the property, by demonstrating it to be a financial, as well as engineering success. *The key of the position was the motive power.* Could he show that to be efficient and economical to an extent to gain the confidence of the financial public, the stockholders and he might escape. To do this, he required money in abundance. This necessary requisite, the ring in control sought to prevent his obtaining. They withheld sums due on their own account for over $100,000, which compelled Harvey to borrow from others, and even to mortgage his residence to secure a few thousand dollars to continue his preparations, and thus to avoid an abandonment of his cherished plans. Few knew of the struggle that was thus going on between inventive genius on one side, and corporation-wreckers on the other. The public were mystified. They could see the cars start

upon irregular experimental trips during a week or less, and then stand motionless for an entire month; while instead of a working force commensurate with the work of completing the railway in its many details, only a few scattered workmen would be engaged upon the line for a few days, and then all work remain suspended indefinitely.

In fact when Mr. Harvey could provide a few thousand dollars, in advance, work would commence, and when that fund ran low, he was obliged to stop till he could procure more. All this was occurring while the written as well as verbal obligations of the directors in control of the organization for a sum ample for the engineer's estimates, were being dishonored for the purpose of robbing those who had previously invested.

Beyond all question, Mr. Harvey was conducting the most important engineering experiments extant at that time. A new system of rapid transit for cities and a novel form of motive power for railways, were both coming to their birth while their author was beset by conspirators within the constructing company, comprising directors, whose duty it was to aid and sustain him. The importance of the outcome of his efforts was being recognized by the highest engineering talent of the world. The most influential journal devoted to that science, published in London, (*Engineering*), employed a special agent to inspect Mr. Harvey's progress, and make reports, which were published with editorial comments, from time to time.

At first it was inclined to be skeptical, as the tenor of this editorial indicates.

"Mr. Harvey, on the Greenwich Street Elevated Railway, has springs on his cars, which are bent by the rope to soften the shock and to avoid loss of power by friction. * * * And though we don't venture to say what can't be done, we say that the rope system has had a long trial under the Stephensons, and failed to equal the locomotive; and it must be further improved before it will equal the plans we have herein set forth, at some length, but not fully."

Later, however, its editor began thus to predict a success:

"We are inclined to believe that the difficulties occurring in the plan of operating this railway, though considerable, may be overcome. It will be a credit to American mechanics if they shall make this method of drawing trains successful."

Of course, the editor subsequently wondered at the cessation of the experiment which interested him so much, and set it down as a failure, not knowing that the author had been driven out of its management, and its progress suppressed on the eve of success, because, he would not connive at a theft of the property!

In Mr. Harvey's statement in the Senate Document of 1889, page 86, the following additional information is to be found as to the esteem in which his experimental exhibition was held by others at that time:

"The fact should be mentioned that I had the approval, in my experimental progress, of some of the leading engineers of this country, especially after inspecting my latest driving machinery in the vaults. Among others was a chief engineer of the United States Navy, a division engineer of the Erie canal, a master builder and also a mechanical expert. All of these invested money in the stock of the Experimental Company; the last two, about $5,000 each, the naval engineer $3,000, and the others in various sums.

One day in 1869, a son-in-law of Commodore Vanderbilt, the late Daniel Torrance, Esq., called and introduced himself to me to say that, some weeks previous, a stranger had called on me, and, on expressing an interest in the engineering features of the new railway, had been taken by myself into the engine vaults and otherwise treated with attention in the line of explanation of my plans as a simple act of professional courtesy. "That gentleman," said Mr. Torrance, "is the most eminent and influential engineer in Great Britain; he was sent over to inspect certain railroad properties, and on his return reported that the most interesting sight he saw in this country was your experimental railroad: that from the progress you had already made, he felt sure that you would attain your object of running the railway with a bare cable, and when that was done the question of the best form of rapid transit for cities would be settled, and the extension of the system over New York would follow with great profit. He advised his friends to purchase into the enterprise, now at low rates, and a draft of six thousand pounds sterling has been sent to me for that purpose." A firm of leading brokers was applied to, and Mr. Torrance divided his $30,000 order in gold, buying the experimental or preferred stock at 20 per cent. premium, and bonds at a rate not now remembered."

The *Scientific American*, the leading engineering and mechanical journal in the United States, accorded the following edi-

torial notice to the experimental railway after its suppression.

"The first or experimental section (of the elevated railway on Greenwich street), consisting of half a mile, was put in operation in 1868, under the auspices of Mr. Charles T. Harvey, the original projector of the enterprise, and first engineer of the work. *Mr. Harvey foresaw many serious objections to the running of steam engines in the crowded streets of the city, and sought, as a substitute, the employment of wire-rope traction. In this he had reached a greater success than had ever before been achieved; but the unfortunate failure of the company removed him and his coadjutors from all connection with the work, and prevented the consummation of his ingenious and excellent plans.*"

These quoted expressions are remarkable as applying to a motive power system in which the author used a mere preliminary and temporary device at the time.

In Mr. Harvey's official report to the directors, of March, 1870, the following sentence occurs:

MOTIVE POWER.

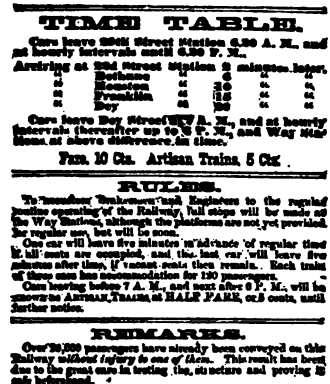
* * * The present arrangements, after further adjustment, with proper practice and drilling of the operators, will enable the railway to be opened for public use with success, but he ventures to predict that in six months he can improve its performance at least fifty per cent. * * *

(Signed) CHARLES T. HARVEY.
Chief Engineer.

Such were the surroundings of this experimental enterprise at the opening of that fateful season of 1870, which was destined to see all the glorious possibilities of its perfected utilities crushed out under the iron heel of blind avarice and unscrupulous greed. The words of the indefatigable projector and constructing engineer are available as a public record (Senate Document 21, 1889, page 36) of the incidents of the final struggle as follows:

"It was with such moral rottenness as this that I found myself confronted, my cherished enterprise not ready to demonstrate that it could earn a revenue, my funds cut off, and a heavy pressure exerted to starve or exasperate me into an abandonment of the struggle, which would be published by the conspirators and assumed by the public as a self-confession of failure on my part, to cloud the entire remainder of my life and to be an evil reputation to leave behind me.

"This I was resolved to avoid with God's help, to the last fibre of resistance, and when payment on the loan was stopped I kept on with the preparatory work by funds from my private resources and loans from friends to whom I made known the situation. * * * * * * * * Before the plotters had time to mature plans to defeat me, I had time-tables issued, announcing that the railway would be opened for traffic on November 14, 1870. Some of these I have preserved, and of which the following is an exact copy:



West Side Elevated Railway

November 14th. 1870.

TIME TABLE.

Cars leave 52nd Street Station 6.30 A. M., and at hourly intervals until 6.30 P. M.

Arriving at 52nd Street station 2 minutes later.

"	Bethune	"	5 " "
"	Houston	"	30 " "
"	Franklin	"	35 " "
"	Bay	"	50 " "

Cars leave Bay Street every A. M., and at hourly intervals (hereafter up to 6 P. M., and Way Stations at above difference.)in time.

Fare, 10 Cts. Artisan Trains, 5 Cts.

RULES.

To [illegible] Conductors and Engineers to the regular passing [illegible] of the Railway, full stops will be made at the Way Stations, although the platforms are not yet provided for regular use, but will be soon.

One car will leave five minutes in advance of regular time till full seats are occupied, and the last car will leave five minutes after time, if vacant seats then remain. Each train of three cars has accommodation for 120 passengers.

Cars leaving before 7 A. M., and next after 6 P. M., will be known as ARTISAN TRAINS, at HALF FARE, or 5 cents, until further notice.

REMARKS.

Over 30,000 passengers have already been conveyed on this Railway *without injury to one of them.* This result has been due to the great care in testing the structure and proving it safe beforehand.

In saying having been successfully proven, *the certainly used correctly only,* remains to *be perfected by regular use.* Many, have paid encouraging improvement in these regards, and all who desire quick transit in New York City are [illegible] invited to aid in the rapid perfection and certain success of this pioneer enterprise.

T. GERHART,
Acting Superintendent.

"On that day the stations were crowded with passengers, and cars ran with remarkable regularity, considering that the operating force, especially those attached to the stationary engines, were not accustomed to their duties. The earnings of one car were seventy dollars, indicating 700 passengers carried by it, as the cars then ran singly. Further details will be found in the engineering statement. There was no valid reason why a revenue could not have been realized from that day on, improvements introduced gradually, capacity of equipment increased, the securities marketed, the loan repaid, the routes extended to at least double the present extent, the original projector and investors duly reaping a well-earned reward, without the reproach of trampling upon the rights of abutting property, as now constituting, under the present transit system of construction and operation, one of the most iniquitous scandals of the age."

"There was a cause and a power, however, then existing, which was sufficient to turn these possibilities into opposite channels, leading to far different results, and that was a lust for dishonest gains, embodied in a ring of traitorous trustees under the leadership of the most powerful railway magnate then on the globe. To carry out his policy, as before indicated, a successful

development of the merits of the pioneer elevated railway must be suppressed, and accordingly he appeared on the scene early on the morning of the 15th of November, 1870, with his satellite, the nominal president of the corporation, accompanied by the sheriff; upon a small judgment the form of a sale was gone through with, to an employé in Mr. Tracy's railway office, and then, in the purchaser's name, the cars were ordered to stop, the fires put out and the employés discharged before my arrival upon the scene."

"The onlookers no doubt expected to see me visibly overcome with emotion at such a finale, but if so, they were not gratified. My mental relief was exhilarating, though not exhibited. I had carried my point of non-abandonment and non-confession of failure, to the end. To be forcibly ousted by conspirators was neither a result to be ashamed of, nor reproached for, and thus viewing the situation, I gathered up my papers and went home to enjoy the first refreshing night's rest for months. The strain prolonged from February to November, against such terrible treachery and perilous odds, had told on my physical powers so much that not long prior to that time, I had fainted upon reaching the threshold of my home, and was found in an unconscious state, as the effect of mental and physical exhaustion in a contest at times too great for my strength."

The forcible shutting out of Mr. Harvey from the possibility of farther perfecting his experimental railway, was followed by a period of entire suspension of operations upon it for many months. During this period the conspiring Directors had agents employed in circulating the report that the motive power had proved an utter failure, and the structure was liable to be taken down and sold for old metal, as a prelude to their incipient "stock deal." During Mr. Harvey's administration, the stock had sold in large blocks at from 20 to 50 per cent. premium, and the bonds had been largely marketed at from 80 to par, before the line had earned a dollar. The "ring" in the Board of Directors contrived to obliterate the value of the stock altogether, and to buy in the bonds at from 10 to 20 per cent. of their face value; and large fortunes were realized by this nefarious means as stated in the chapter devoted to the financial features.

It has been supposed that the conspirators deemed that it would be easy to secure Mr. Harvey's engineering and inventive services at a later time, or at any rate, to find some other engineer; one who could carry out his ideas after they had secured the ownership. But, if such were their plans they failed in their object, as Mr. Harvey declined all farther professional connection with them, and they found no one who could complete his inventions. Two decades have elapsed since that time, but no elevated railway has been so successfully operated with cable power, as that he exhibited in 1870.

The usurpers of his route, after "freezing out" the prior owners, introduced locomotives in a small way, and ere long removed all the cable machinery from the stationary engine vaults, and sent it to the junk shops, a vandalism unprecedented in engineering records, because the experimental cable plant in no wise interfered with the use of locomotives upon the tracks. But this policy was evidently prompted, partly by malevolence towards Mr. Harvey and also as a punishment for his opposition to the syndicate plot. (For farther proofs see Chapter IX.

The structure was continued in use for about ten years, when it was removed and one far more bulky substituted to permit the introduction of heavy locomotives, which are now solely in use on the route.

Thus every vestige of the pioneer elevated railway of New York City and of the world, has been obliterated. The public at large have accepted this fact as proof that this first effort was a failure, but such an inference is a mistake of the first magnitude. The merit of that experimental elevated railway was marvelous, and its suppression was a crime as well as a stupendous blunder. Leaving the plotting Directors to gloat over their ill-gotten spoils, the loss to the public was an irreparable one in the consequent palming upon it of an inferior transit system, as the present one unquestionably is.

When Mr. Harvey placed the first elevated structure in position, he secured results as to a noiseless transit, never equaled in later years. His plan of the track was made with that end in view, and was wonderfully successful, as it was both unique and ingenious. He took the form of iron known in commerce as a "deck-beam," having a double flange at one edge and a bulb-shaped finish at the other, and laying two of these side by side used the hollow section between them, by placing

therein a wooden filling-beam. Upon this wooden support he placed the rail with its beveled flanged base, below the interior line of the bulb edges. Then by means of nut bolts, running through the cross-section of the deck and wood-beams, caused the deck-beam bulb-edges to be wedged upon the track-rail beveled flanges and thus press the latter upon the wood as an elastic "cushion" support. The result was that all danger from broken rails was entirely eliminated by the bulb-edges of the supporting-beam, forming a continuous "chair" for the track or wheel-rails, while by the pressure upon the wood the sound of car-wheels passing over the track was deadened to a minimum.

To this arrangement Mr. Harvey added composite car-wheels having elastic centers, and the result was a practically noiseless system of car-transit.

The traction cable appliances were not yet perfected in this respect when suppressed, but by eliminating the necessity for cable trucks, he would soon have caused it to be noiseless also. Nevertheless the sound from that source was not noticeable amid the ordinary street din. I once saw, while the original motive power was in use, a country gentleman walk for several blocks along Greenwich street under the track, while a number of trains passed above him, and who finally stopped to enquire where was the elevated railroad of which he had heard so much—the slight columns along the curb-stone line escaping his notice, as did the skeleton track above. No such occurrence is now possible along that street! To accommodate the locomotive, the street surface at the southerly end of Greenwich street may now be said to resemble a tunnel, while the roar of passing trains is almost deafening. Yet the former system when perfected, had more passenger transit capacity than the latter.

The result of this noiseless motive power upon the Elevated railway was that during the entire period of its use, not a single instance of serious casualty, from the frightening of horses, attributable to the passage of cars, occurred within its vicinity. This remarkable statement the writer will vouch for, as the facts were within the purview of his personal knowledge and official duties at that time. To this will be added the farther fact that no serious accident occurred to workmen in constructing the railway under Mr. Harvey's administration. Far different results followed under his successors as will be noted elsewhere.

APPROVAL OF ADJOINING PROPERTY-OWNERS.

When the property-owners along the experimental line had seen proofs that the transit was noiseless, and that the structure did not obstruct light and air, they became exceedingly friendly to its presence. The owner of the largest warehouse on the line, where a drayage transfer business—the largest connected with any building in the city—was constantly being carried on, having seen that of a score of teams standing directly under the track, none were frightened by the passage of cars overhead, came to the Company's office, and without solicitation subscribed $10,000, to encourage the improvement, as he declared it to be, in front of his property.

The largest owner of buildings on the opposite side of the street (the structure then being a single-track only), came to the office and made a subscription to the stock of the enterprise to hasten, as he stated, the time when it would be made into a double-track route and occupy the curb-line in front of his own buildings. So general was this sentiment that, at the time when Mr. Harvey was dispossessed and his plans discarded, not one property-holder appeared as plaintiff in any suit against the Experimental railway! The State Commission advertised for any objectors along the route to file complaints with them, but none were made during the entire season! All this friendly feeling was changed to bitter hostility upon the part of adjoining property-interests when the locomotive superseded the cable.

Mr. Paton, the owner of the Pacific Hotel, on Greenwich street near Courtland, favored the cable method, but fought the introduction of locomotives by personally driving the constructors from before his premises, until legally restrained; and so fiercely contested the question in the courts, until successive decisions were rendered against him, that the result is thought to have, in part, caused his death.

The patriots who threw the obnoxious tea into Boston Harbor had not a moiety of his grievance, nor of Dr. Caro, in Fifty-third street, who was stated in the public press to have died from the same worry and vexation.

SYNDICATE ENGINEERING.

The syndicate filled Mr. Harvey's offices, of supervising engineer, and financial manager with a low grade employé from a locomotive railway in the first named capacity, and with a bankrupt broker mentioned elsewhere, as its financial agent.

One of their first acts was to announce that a new style of locomotive would be introduced, obviating the necessity of the steam exhaust, which sent clouds of steam into the streets and adjoining buildings.

A locomotive constructed upon that plan, was set in motion upon the track, with the Directors in an attached car.

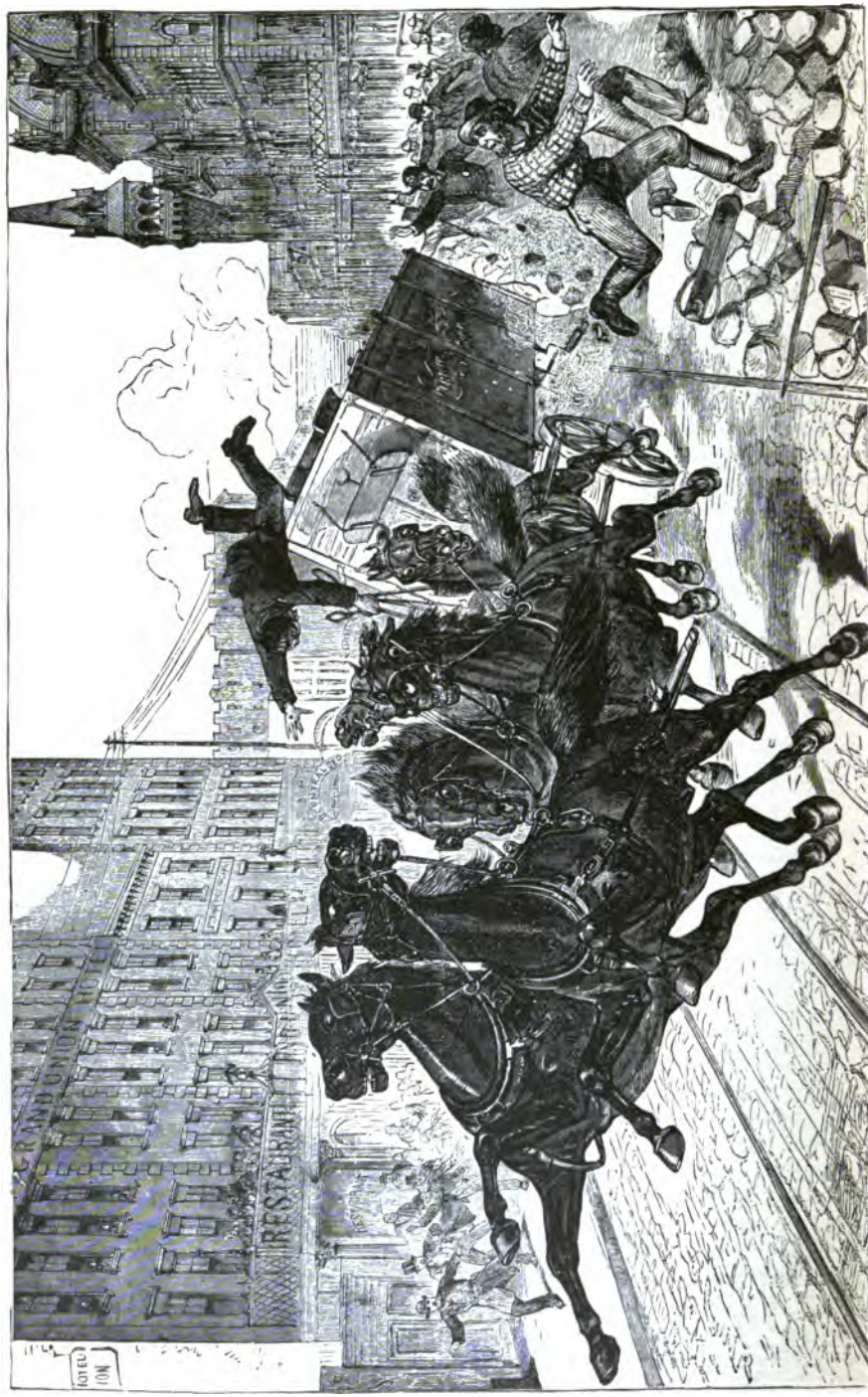
The new plan "choked" the engine, and shortly brought it to a standstill. The Directors descended by means of a ladder; and no more has been heard of engines which do not emit the clouds of steam, so offensive under present conditions.

Another exploit was to ignore the methods of introducing wooden supports to the track rails, the practice so strictly adhered to by Mr. Harvey. In the first extension of a few hundred feet, built by the new management, the rails were fastened firmly to the iron supporting beams; but the concussion consequent upon the running of trains was found to be so great that, as the writer was informed, the heavy couplings, termed "connecting rods," between the engine wheels were fractured as if from the blows of a trip-hammer, while the noise was so deafening that for fear of a riot the use of the extension was discontinued until wooden "cross-ties" could be introduced between the metal surfaces; and this method has since been extended over all the routes, adding largely to the bulk and unsightliness of the structures.

FATAL CASUALTIES.

The earliest addition made to the railway after Mr. Harvey's departure was a landing platform, at the corner of Morris and Greenwich streets. Soon after it was brought into use, a teamster, when driving a heavy truck along the street beneath, brought the pole of the wagon in violent contact with one of the supports, when it gave way and precipitated the platform upon him, instantly crushing him to death. The syndicate was reported as offering his widow $300, in settlement of her husband's death, with an intimation that as the Constructing Company was bankrupt, it was an act of charity to pay her any damages whatever!

Passing over the many deaths among the workmen, caused by incompetent management during the extensions of the elevated railways, the fall of one derrick alone killing two men, attention will now be concentrated upon the loss of life, and limb, and of property which was entailed upon the public by the substitution of locomotives for the prior system of cable power. No accurate record can now be obtained, but the estimated loss of twenty-five lives per annum is believed to be within the limit of facts. Few of these casualties were noticed in the newspapers, nor do all appear in the Board of Health returns, being frequently charged to other causes; death, in some cases, following removal to places outside the limits of the city. In the year 1886, the Mayor himself was well nigh a victim when his horses, frightened by a street-transit locomotive, became unmanageable; he was thrown from his carriage and striking violently upon a pillar, was rendered insensible; but his injuries, fortunately, were not fatal. The surgeons stated that in the contact of his body with the Elevated railway post in the carriage way of the avenue the difference of an inch saved his life! Others were not so fortunate, and among them one case will be selected as notable, because the victim was considered the best "six-in-hand" driver in this country. That the suppression of the experiments upon the Experimental Elevated Railway as originally required by law was the primary cause of John Strickland's violent death, April 18, 1878, (as depicted in the accompanying engraving, published at the time), none can doubt. The circumstances—as a glance at the foot-note will prove—leave no room to doubt the cause of the disaster.



John Strickland's death April 18, 1878; caused by suppression of original plans.

Since this narrative was begun an equally tragic death occurred January 7, 1890, at the junction of Avenue A, and First street. Mrs. Rachel Steinberg, a widow, about to enter a surface car, was struck down by the wheels of a dray, drawn by horses that the noise of locomotives passing above them, on Second avenue, had driven frantic, and she was instantly crushed to death.

Which class is most responsible for these violent deaths from year to year? Shall we say it is the conspiring Directors who violated a sacred trust to rob the worthy inventor and original investors; the legislators who took bribes from them to pass an act to stultify the laws and prostitute the honor of the State; or the City officials who prevented a remedial law from taking effect which, while doing partial and tardy justice to the author of the city's rapid transit system, would also as proposed have enabled him, ere this, to demonstrate the feasibility of better plans?

The writer has no hesitation in pronouncing the death of John Strickland, a murder; and the death of the widow, last mentioned, an equal crime; and that certain false trustees, corrupt legislators, and unjust city officials are responsible for these and for hundreds of other cases like them, whether past, or still to occur in the future. They may not be tried in the State of New York, because of lapse of time, or lack of evidence, or want of jurisdiction, but each case must be determined in the "future state," whither John Strickland and other hapless victims were so hurriedly sent! Who would be willing to take or to keep such "blood money" with risks of retribution, and to sear their conscience with the knowledge that so many families weep because of their cupidity?

Thus far by way of examples of the results of the suppression of beneficial plans and experimental progress in an enterprise of such public concern.

The ability of Mr. Harvey to make his original plan a success if an opportunity should yet be afforded, is a subject reserved for mention in another connection.

STARTLING TESTIMONY TO THE SUPERIORITY OF THE ORIGINAL PROJECTOR'S PLANS.

The writer has before him a volume of 81 pages with 22 engravings, copyrighted in 1889, and published by the Rapid Transit Cable Company of New York. The organization of the company is given and the first name on the Board of Directors is that of the vice-President and Executive officer of the Manhattan Railway Company (Jay Gould being President), the corporation owning all the elevated railways of New York City. The semi-official connection between these two companies—nominally distinct—is emphasized by the fact that in this volume the organization of and general information concerning the Manhattan Company occupies the first place.

The following extracts will speak for themselves:

"The fundamental basis of transporta-
"tion in cities, towns and surburbs is the
"*railway*, on the *surface*, *under-ground*, or
"*elevated* but that which must be the
"solution of the problem by making the
"respective systems what they should be
"as recognized by railway managers in
"point of economy, and general efficiency,
"and demanded by the public as a matter
"of accommodation and convenience is the
"MOTIVE POWER" (The italics and capitals are as printed in the volume quoted from).

Farther on the following paragraphs occur:

"The method of locomotive traction now
"in use is expensive, the returns per pound
"of coal being only about one-third of that
"which can be obtained by concentrating

A FEARFUL RIDE TO DEATH—SKILLFUL DRIVING WAS NOT ABLE TO SAVE THE LIFE OF JOHN STRICKLAND

"A thrilling and terrible catastrophe, that blanched the cheeks and stopped the breath of a thousand spectators, occurred in this city on the morning of Thursday, April 18th, John Strickland, a driver of a large show-wagon of P. T. Barnum's circus, drove out his matched team of six black horses for exercise at 7 30 o'clock. * * * As they were passing beneath the passenger platform of the Elevated Railroad Depot at Forty-second street, an up-train approached. It had crept noiselessly up on the west side of the street, but just as the heads of the leaders had passed from beneath the platform, the engineer let forth a cloud of waste steam."

Herman Schimler, a grocer's boy, who was standing upon the corner, says that the off leader turned like a flash, and began to paw the air and to back up on the body horses. In a moment they were confused and rearing The driver skillfully brought them in line, when they broke into a gallop and dashed along Forty-second street as the train rumbled into the station." * * *

Mr Charles Fink and others who saw him say that Strickland held fast to the reins until he was hurled beneath the wagon After it had passed, those who hastened to his side, found that the wheels had cut through his skull, killing him instantly."

The body was taken to the Thirty-fifth street Police Station and thence to the Morgue. * * * He was about forty-five years of age and leaves a widow."—*N. Y. Paper*, 1878.

"the power and using the best form of "stationary engines; the number required "to care for a large number of separate "pieces of machinery is much greater than "for concentrated power; to provide the "necessary tractive force the locomotive "must have heavy loads concentrated on "its driving-wheels; this brings severe "strains on the structure, and causes the "maintenance account to be much greater "than it would be were a system used "which is not dependent on adhesion; "grades must be as easy as possible, for "they limit the capacity of the road and in "consequence the structure is often so high "above the surface that many people who "would otherwise be patrons are deterred "by the long flights of stairs; each train "being independent, there is no compen-"sation of power by trains going down hill "assisting those bound in the opposite "direction, which is an exceedingly im-"portant factor in the economy of opera-"tion. *Smoke, escaping steam, and noxious "gases, with falling cinders, grease and dirty "hot water, and, at times, burning coals, are "not only offensive, but dangerous to people "living and doing business along the line, and "it is safe to say that the greater part of the "many claims for damages brought by ad-"joining property-owners are due to these "ever-present nuisances;* showers of fine "half-burned scales from the lumps of "coal which expand instantly when thrown "on a hot fire, are familiar to all elevated "railway travelers, who are often seriously "injured by them."

"The locomotives in use on the Manhat-"tan road are of special design and very "efficient, generating 500 to 600 horse-"power per 100 lbs., of coal, and moving "maximum trains of 100 tons in addition to "their own weight of 47,000 lbs.; and, "although the cost of operation is greatly "increased by heavy taxes and legal ex-"penses, the cost of the motive power alone "is 42 per cent. of the aggregate * * * *

"No sand, to grind out rails and rolling-"stock, and annoy the public, is needed "with the cable, and it is the only known "motive power which does not require a "motor of great weight attached to every "train, the power of which shrinks with "slippery rails, and literally loses its grip "and balks when most needed. *Had the "New York elevated railways been operated "by cable during the great "blizzard" of March "1888, all traffic would not have been suspend-"ed.* * * * FINALLY, THE ADVANTAGES "OF A CABLE SYSTEM FOR OPERATING ELEVATED "RAILWAY MAY BE SUMMARIZED AS "FOLLOWS:

"1. LESS COST OF NEW, OR EXTENSION OF "OLD LINES.

"2. CERTAINTY OF OPERATION, UNAFFECTED "BY WEATHER.

"3. NON-DEPENDENCE ON ADHESION.

"4. LOW COST OF OPERATION, THIS BECOM-"ING MORE PRONOUNCED AS THE TRAFFIC IN-"CREASES

"5. LESS COST OF MAINTENANCE OF MOTIVE "POWER, TRACK AND STRUCTURES.

"6. LESS COST OF FUEL, WATER, OIL, AND "OTHER SUPPLIES.

"7. LESS LIABILITY TO SUITS FOR DAMAGES.

"8. LESS REPAIR-SHOP ROOM AND ENGINE "YARDS.

"9. THE DESTRUCTION OF THE GREAT OB-"STACLE TO RUNNING-TIME, *i. e.* GRADES AND "THE LOWERING OF STRUCTURE TO AN EASILY "ACCESSIBLE HEIGHT.

"10. INCREASED RUNNING-TIME WITH THE "SAME MAXIMUM SPEED.

"11. INCREASED CAPACITY.

"12. INCREASED DIVIDENDS."

Here then is an admission from the management now controlling the elevated railways of New York City, that THE THEORY OF MOTIVE POWER *upon which Mr. Harvey proceeded in the experimental introduction of elevated railway transit, even in the light of the experience of twenty years since his plans were suppressed,* IS YET SUPERIOR TO ANY OTHER!!

This fact speaks volumes in proof of the correctness of the title of this work.

What a spectacle do those years present!

The State, the City, the Press, the Railway Corporation, sundry capitalists, and "claqueurs," all uniting to drive a projector from his project, an engineer from his engineering, *before he could complete his undertaking in* THE BEST *form!*

The impelling cause! Robbery!

The proceeds! Twenty-six millions of hypothetical stock—representing values based solely upon this larceny, of plans and projects and quoted above par in the New York Stock Exchange!

Other results! Ten thousand claimants in the Courts for just damages to realty, mostly plodding their weary way in the judicial circle surveyed by David Dudley Field, where they can get their fill of law and its expenses, minus the justice they hope for.

Hundreds of lowly grave-stones like John Strickland's—Martyrs to greed!

An outraged projector invited and betrayed by the State. The greatest benefactor of the city: Asking for the restitution of his original outlay and interest from the accumulations of a fund based upon the separate earnings of that same outlay. *Denied with costs.* (See pages 94–5).

Such is the present *engineering* aspect of *The Most Notable Robbery of Modern Times.*

CHAPTER VIII.

Financial History.

The financiering of the elevated railways of New York City in the first quarter century of their inception and operation, may be divided into four periods.

1st.	Under original projector,	1865 to 1870	5 years
2d.	" Wrecking Ring,	1870 " 1875,	5 "
3d.	" Political Manipulators,	1875 " 1881	6 "
4th.	" Money Kings,	1881 " 1890,	9 "
	Total,		25 years

It is safe to say that the first five years required more risk, care and ability to manage the financial department than all the remaining periods combined. During this term the first million of dollars was secured and invested, and the first fare collected through the unswerving faith and indefatigable exertions of the projector.

He individually paid all expenses incurred up to 1866, until with models and plans prepared, and a special law obtained, he came to New York City to seek associated aid.

He organized the first elevated, as well as the first cable railway company, ever known, by securing twenty-five citizens as subscribers to the extent of $3,000 each, as a preliminary organizing capital. A former Mayor of Chicago, Mr. W. S. Gurnee, became the President, and William H. Appleton, (the head of the great "Appleton's" publishing house) accepted the position of Treasurer. Near the middle of 1866, with $75,000 in the treasury, application was made to the Mayor and Common Council for permission to erect an illustrative section in Greenwich street, under condition that if that portion proved a success, extensions to meet the public necessities for rapid transit might follow. Pending the granting, this application being enjoined by Judge Barnard, as noted elsewhere, the subscribers were called together, when they voted to place the remainder of the fund at Mr. Harvey's disposal to defray the expenses of an effort before the Legislature of 1867.

His labors there being successful, so far as obtaining an enabling law was concerned, the next step was to provide for the cost of building an illustrative section, as the special statute provided; with the contingency of its removal if it was not pronounced a success upon inspection by the State authorities.

This involved a risk of over $200,000, of which sum the Directors decided that one-half must be on deposit before construction work should be authorized, and the projector was obliged to personally canvass the city to raise this large sum. Mr. Harvey set himself most assiduously to the task, and gradually enlarged the subscription list until less than ten per cent. more was needed to complete it, when subscriptions ceased, and for weeks he toiled up and down the streets, and into business offices without gaining a new subscriber. Once only was he insultingly denied, which was by the senior partner of a leading Wall street banking-house. This Solon said, "The idea of an elevated railroad for city transit purposes is so preposterous, and upon its face, so great a fraud that any one soliciting money for such an object ought to be denounced as a swindler, and at any rate is requested not to enter these doors again." As this person is still living, no name will be mentioned; but the humorous incident will be added that not many years later at a public meeting convened to urge the extension of this same railway, that banker was called to the chair, and made the opening speech, in which he roundly denounced all who opposed the desired extension as "blind leaders of the blind, when, with such a public blessing within their reach, they did not promptly aid in extending its benefits!"

The continued rebuffs received at that time began to lessen the projector's confidence, until, in his mind, it became a serious question whether to continue the effort or not. In one of the darkest of these days an elderly fellow-passenger on the river steamer by which the anxious projector daily came from the suburbs to the city, engaged him in conversation regarding the enterprise, visited a full-size model of a column that had been set up near the landing, enquired as to the amount necessary to begin the work, and a few hours later

called at the promoter's office with checks for the needed balance. He announced his name and address as E. W. Dunham, President of the Corn Exchange National Bank, and as a subscriber for one-half of the remaining stock; "The other half," said he, "may be registered as subscribed by Mr. David Dows, a large depositor in my bank, and one of its directors. He has more money than myself and will take the remainder without knowing anything about it, simply upon my request. Some years ago, during a panic, he was so pressed for money that he came to ask my advice about suspending payments. I told him to wait, and taking my hat, called upon certain other bank presidents, and before my return I had arranged for the hundreds of thousands of dollars that were required to tide over that crisis, thus maintaining his credit and resultantly fortunate business career. Since that time, when I ask him to join me in a moderate venture, he always assents. This explains the use of his name. Your list is thus completed; now start your work."

Mr. Dunham was remarkable, as preserving to an advanced age, a fresh and benevolent interest in the enterprises of the day, when so many at his period of life consider themselves as laid aside, or at least exempt from entertaining or being entertained with new ideas. Born February 10, 1794, he was already advanced in his 74th year, when, on that mid-summer day of 1867, he entered Mr. Harvey's office and closed the subscription list of the pioneer Elevated Railway. He had passed his 75th birthday, when, on the 9th of May, 1868, he took his seat in the first passenger car ever used upon an elevated railway, and joined in the first trial trip from Courtlandt street to the Battery in company with the projector and Mrs. Harvey [the lady whose portrait appears on page 43]. To complete the list of likenesses of the three adult persons who thus became notable, I have made a special effort to obtain that of Mr. Dunham. The only available portrait was a faded miniature, from which the following vignette was made. The features are well re-produced, but the expression of the eyes is more youthful than appeared at that time.

Mr. Dunham did not subscribe to the

Edward W. Dunham.

enterprise as a speculator. He authorized the assignment of his interest to any person who would take it at cost. He sought unselfishly to aid what he esteemed to be a beneficient enterprise. Would that more of like years acted from like principles!

It remains to be added here that hardly a week of the experimental period passed that Mr. Dunham did not come to the office to learn of and discuss the progress of the work, and to take pleasure in seeing the new method unfold. He died July 26, 1871, and therefore did not witness the wonderfully beneficial results to which he contributed at a turning point in their history; but his name should be permanently coupled with whatever of honor is derived from their record.

The day following that in which Mr. Dunham called with checks in hand, Mr. Harvey started upon a trip to the largest iron-works of Pennsylvania; and upon consultation with the manufacturers, decided upon the form and quantities of structural material for the illustrative section. Being a cash order, it was so promptly executed that deliveries were made and work of erection commenced in October, 1867.

On the 1st day of July, 1868, the illustrative section was accepted for the State by the Governor. The total cost up to that date as appears in the first annual report of the contracting company was $206,611.70 for about 3,000 lineal feet of railway and its motor equipment.

PUBLIC FINANCIAL STATEMENT.

Immediately after the State's approval the following card appeared in the daily newspapers:

WEST SIDE AND YONKERS PATENT (Elevated) Railway Company, 95 Liberty street — The undersigned Stockholders of the West Side and Yonkers Patent Railway Company have been appointed a Committee to notify the Stockholders that the Certificate of the Secretary of State has been received, announcing officially the fact of the full approval of the experimental section by the Commissioners and Governor, and the consequent vesting of permanent rights and franchises in this Company, according to law, and to request a full and punctual attendance of the Company at the Annual Meeting, to be held on Monday, the 13th instant, at 12 o'clock, at 95 Liberty street, with a view to provide for its immediate construction.

The undersigned have full confidence in the practical success of the enterprise, and believe that it will meet the great public necessity for rapid transit in this City, and prove remunerative to the capital invested in it.

W. S. GURNEE,
SAM'L D. BABCOCK,
DAVID DOWS,
D. CRAWFORD, JR.,
R. P. GETTY,
E. W. DUNHAM,
W. H. FOGG,
WM. E. DODGE,
WM. H. APPLETON,
S. M. PETTENGILL,
JOHN H. HALL,
GEO. S. COE,
A. S. BARNES,
MORRIS K. JESSUP,
JAS. H. BENEDICT,

NEW-YORK, July 9, 1868.

Early in 1869, the following advertisement came out exactly in form as here reproduced.

WEST SIDE ELEVATED RAILWAY

Seven Per Cent. First Mortgage Convertible Bonds.

The undersigned, Sole Agents for the sale of the above-named Bonds, now offer a limited amount at the rate of EIGHTY-FIVE (85) PER CENT.

The opportunity to purchase a Coupon Bond on productive property in the city of New York at a rate yielding over NINE PER CENT. average annual interest, and with valuable convertible rights, seldom occurs; and Investors will do well to anticipate the advance certain to occur in the market value of these "HOME SECURITIES" on a "METALLIC BASIS."

Subscriptions will also be received for the same bonds at par, payable when the railway is under contract and so far completed as to make close connections at Thirtieth street with the Hudson River Railway.

Residents of the river towns who desire to secure the inestimable benefits to result from the proposed extension, are respectfully solicited to ride upon the experimental half-mile of the railway in Greenwich street, which will be open to their inspection from 1 to 5 P. M. daily, and by their subscriptions on either plan to aid in hastening the completion of the enterprise, by which the public will be largely benefitted, and the interests of the city and its northern suburbs jointly promoted.

For further particulars apply to

LOCKWOOD & CO., Bankers,
No. 94 Broadway.

March 3, 1869.

During all this period, Mr. Harvey filled the position of Financial Manager as well as Chief Engineer, and every dollar of expenditure required his official *visé*. The labor was too much for one person, and, although I was made his assistant, by vote of the Directors, the brunt of every department came upon him. His hope of relief lay in carrying the enterprise rapidly forward to an income-earning development, when he expected that an experienced financier would be found who could assume charge of the finances, and thus admit of his devoting himself exclusively to the engineering department. Every published report made by him contained suggestions to that end. But in those years at least nine-tenths of his time was absorbed by financial duties which could not be neglected nor done by proxy. When he, in 1869, secured an alliance with the leading banking house of Lockwood & Co., financial agents of the Lake Shore Railway line (now a part of the Vanderbilt or New York Central system), and the new style of securities were recommended by that firm, as indicated by the foregoing advertisement, his friends and himself felt that less laborious times were at hand. Orders had come from California to purchase the stock at 50 per cent. premium, and English capitalists sent orders to buy large stock interests at 20 per cent. above par. Every indication pointed to a "boom" as soon as an earning power should be proven.

But soon a storm arose which no one could foresee. Gould and Fisk had entered upon their notorious gold speculations. "Black Friday," of September —, 1869, was the result, and Lockwood & Co., were swept into the vortex. The pioneer elevated railway not then being ready for traffic Mr. Harvey was constrained to lay aside every conflicting engagement, to seek financial relief. What he planned to do has been the financial policy of every elevated railway built since then in New York or Brooklyn. He proposed to have the securities held by those advancing the needed capital until the railway was so far completed as to earn an income; then to market the bonds or stock at the advanced prices which would consequently prevail, and with the avails, the loan could be repaid with interest, and with profit to all concerned.

It seemed very opportune when a syndicate comprising John F. Tracy, (then President of more mileage of first-class railway than any other man, not excepting Commodore Vanderbilt himself), as the leader, with David Dows and two other associated capi-

talists, Scott and Woodward, offered to advance $200,000 on terms which Mr. Harvey was quite willing to accept, and who, beside a written pledge for that sum, verbally promised him $50,000 additional, on conditions subsequently complied with, for use in perfecting his motive power plans. The only security asked was a majority of the

John F. Tracy.*

stock, deposited with Mr. Dunham, President of the Corn Exchange Bank, with voting power thereon, vested in the syndicate until the loan was paid from the sale of the bonds.

The loan was negotiated for in October 1869, and it was understood that it would be paid promptly, to compass the object in view.

It is a most shameful record, but in fact the loan under the written obligation was never fully paid, and not a dollar was paid upon the verbal agreement! When in February, 1870, the main loan was not more than three-fourths paid, the syndicate refused to honor Mr. Harvey's requisitions as theretofore, and with no apparent reason, seemed for the ensuing half year, bent only in harassing and crippling him in his endeavor to place the railway in condition to begin regular business. The leader of this policy was Tracy, whose Shylock "squeezes" of those unfortunately in his power, became proverbial upon the "street." His operations in what was known as the "Rock Island Railway *deals*," abundantly warranted such a reputation, but omitting extraneous details, suffice it to say that he obtained the securities, and the voting power, upon which the loan was predicated, and having by those means entrenched himself and his satellites as a permanent majority of the Board of Directors of the Experimental Railway Company, it was found that Mr. Harvey was financially entrapped within his own enterprise! Tracy's expectation was no doubt that under such circumstances the projector would surrender at discretion, but in this he was mistaken. One stormy scene occurring between them in the Corn Exchange Bank Building, when the author was a witness, should of right be perpetuated on canvas. Tracy sought to force Harvey to abandon the railway as an engineering failure, as a prelude to a financial "reorganization." Hence all money supplies were cut off, and a "starving-out" process was begun. This led to a singular complication of affairs. One of the syndicate, Woodward, by name, was so shocked at the perfidy of Tracy's policy that, he secretly advanced thousands of dollars to Harvey to enable him to resist it. Mr. Dunham, the venerable Bank President, who knew all the circumstances, also furnished Harvey with checks in smaller amounts for the same purpose, under the latter's pledge of absolute reticence as to their source, while Dows, who was the unwitting associate of Mr. Dunham in closing the subscription list, as before mentioned, was an active supporter of the Tracy plot, and eventually by his influence, turned the scale which secured its ill-omened success. Meantime Mr. Torrance, son-in-law, of Commodore Vanderbilt, having invested under the assurance of English engineers as mentioned on page 53, that Harvey's plans would be a success stood ready to assist him financially, and was only deterred by Tracy's influence and official opposition. Thus the summer of 1870 passed; Harvey, gradually but surely nearing the goal of his aims; while Tracy, mystified as to the secret sources of his money supplies, was surprised that a projector with precarious recources should thus defy an imperious magnate, whom all Wall street feared.

Finally Tracy condescended to negotiate

* Mr. Tracy was in 1869 the Executive Head of the great Chicago Rock Island and Pacific Railway system, and also of the greater Chicago and North Western Railway Company lines, extending over 5,000 miles of route.

for a truce on what he no doubt thought a most conciliatory basis. Harvey was invited to the office of an influential business house, and offered, upon Tracy's guarantee, a one-fifth interest in the entire elevated railway property free of liens, with a continuous salary, as well as an opportunity for an excursion to Europe under pay, if he would connive at the plan of confiscating the remaining four-fifths interest from the rightful and original owners under forms of law. Meantime his engineering experiments need be only temporarily suspended, until the financial "deal" was complete, when the guarantee would provide for resumption and completion of the same with ample funds at command for that purpose. This offer of an assured fortune with all the ease and professional reputation it implied, was, however, rejected on the spot. Subsequently another negotiator was requested by Tracy to ascertain if the then financially embarrassed projector would accept an offer of a cash bonus to silently retire from the enterprise. The messenger meeting Mr. Harvey on the steps of the American Exchange Bank, told him all the circumstances, and said $100,000, in cash, he had been told to state, awaited acceptance, or a modified offer from him would be considered, implying, however, the same conditions of acquiescence on his part. The reply was returned at once, to the effect that the previous offer was considered the most desirable, but that neither could be accepted except at the sacrifice of principles which were esteemed priceless.

Upon receipt of this message the die was cast. The Tracy-Dows decision was made that the originating engineer must, at all hazzards, be removed from his unfinished experimental enterprise. This was accomplished on the 15th day of November, 1870, under guise of a Sheriff's sale of the property as referred to elsewhere. The writer was present in Mr. Harvey's absence at this theatrical performance, which took place in Tracy's presence. The Sheriff, to the author's knowledge, informed Tracy that the sale was of doubtful legal effect, and could probably be set aside if contested, but for a bonus of $400 he, by his deputy, proceeded with the formality of a sale which purporting to deliver all the personal property of the Company to Tracy's by-bidder for less than $100. This sale included a safe wherein was deposited Tracy's contract for supplying the monies to build and equip the line, and upon which many thousand dollars were then due and unpaid.

Having control of the Board of Directors, Tracy prevented any corporate resistence, and thus The Most Notable Robbery of Modern Times began its history.

FINANCIAL REVIEW.

By referring to the original Company's Second Annual Report, dated March 1, 1870, the following financial points appeared.

Total cash expenditure to that date upon one and one-half miles of single-track elevated railroad, with stationary motive power equipment.....	$891,985 18
The above sum was realized by subscriptions to stock at par.....	200,000 00
Sale of bonds from 80 per cent. to par.....	202,000 00
Advance upon bonds, pending sale, by Lockwood & Co....	300,000 00
Sundry assets or bills payable	55,385 18
Total capital secured by Mr. Harvey.....	$757,385 18
Add amount then (March 1, 1870) paid on the Tracy loan of $200,000 valued for and due November, 1869.....	134,600 00
	$891,985 18

In the foregoing official statement, certain facts are to be noted:

First. That the Tracy-$200,000-loan-payments were $63,400 short four months after they were due and the securities delivered therefor.

Second. That the Tracy syndicate had then paid in only but about one-seventh additional to the sums previously obtained by Harvey.

Third. That at this time, when the Tracy-Dows combination had four-sevenths of the directorship, their ratio of investment entitled them to but one or at most two-sevenths of the board, under which their robbery was consummated.

Mr. Harvey's financial administration of this pioneer experimental enterprise must be considered a marvelous success when all the obstacles and opposition to be overcome to reach the results shown are duly considered.

The wealthiest and most influential capitalists in the city were, at the outset, in active and open hostility to it.

Significant paragraphs appeared in leading newspapers of the city at the time of Judge Barnard's injunction, in 1866, before Mr. Harvey had won the endorsement of the State Commission, and when he had but 25 subscribers of $3,000 each as associated capital to rely upon to make headway against sneers emanating from the most influential merchant of the city, as in the following example published in one of the leading city newspapers of that day: (August, 1866.)

"HIGHFALUTIN RAILROAD PROJECT."

"The cool audacity of the parties engaged in seeking to operate 'The Yonkers and West Side Patent Railway Company,' may be cited as an evidence of what the force of mere impudence can accomplish. * * * * * * * *

"Mayor Hoffman vetoed the scheme, but it was to be carried over his veto; and now Mr. A. T. Stewart and other public-spirited property-holders along Broadway are fighting it in the courts. This scheme, we prophesy, will have a hard road to travel. Judge Henry Hilton is experienced in Broadway railroad warfare—a veteran of a hundred fights; and we expect before they get through with him, and through with their railroads, they will remember the old adage, in regard to their $3,000 each—'Fools and their money are soon parted.'"

Rival schemes beset his path at every stage. The writer knows that the influential and wealthy president of one of the rival transit projects became so envious of Harvey's progress, in 1868, that he adopted a contemptible policy of espionage to learn where the latter was making financial negotiations, and of following him into Wall street, and personally seeking to deter certain capitalists from aiding the struggling enterprise. This trick nearly succeeded in two very important instances of which Mr. Harvey was duly apprised, but was, no doubt, the real reason for promised aid being withdrawn contrary to his expectations in other cases.

Once more, in regard to the purchasing power of the money Mr. Harvey thus succeeded in obtaining: structural iron for elevated railways was, in 1867-'70, more than double the price per ton it commanded ten years later, when the present lines were built. And yet, with this immense drawback, the cash cost of the tracks erected by him with partial equipment, was less than $250,000 per mile of single-track, when like mileage built by his successors average an issue in stock and bonds of over $750,000 per mile of single-track (or $1,550,000, double-track) with all the prestige at the latter period, of established credit. These facts speak volumes and indicate that Mr. Harvey's success as a financier was indeed marvelous.

PROMOTOR'S PERSONAL FINANCES.

In concluding this notice of the first financial period, 1865-'70, a few words as to the projector's personal interest in the enterprise will be in order: On the 15th day of November, 1867, the original West Side Elevated Railway Company entered into a contract with Mr. Harvey, in pursuance of the unanimous vote of its stockholders and directors, whereby one-fifth or twenty per cent of its capital stock, as issued from time to time, was to be delivered to him, as full paid in consideration of his services (aside from an advance of $5,000 per annum for personal expenses), and of the use of his inventions, but with the understanding that his interest would be held by him until the project had reached a solid financial basis, and that those paying the first $200,000 should have a "Preferred Stock" not subject to his proportion, and with certain rights to stock dividends which gave it a special prospective value, and was the stock which is herein quoted from time to time, as selling at a high premium during his term of management.

Mr. Harvey held his stock to the end without selling a share, but its final value was entirely destroyed by the State Law of 1875, confirmatory of the syndicate collusive foreclosure sale, so that this prodigious and successful effort to secure for New York City a practical system of rapid transit, resulted in making its author a pecuniary loser, and compelled him to draw upon his private funds to balance the entire venture!

To appreciate the enormity of this robbery, let the reader consider the fact that a Committee of the State Senate reported to that body in 1885, *that the direct benefits to the city from Mr. Harvey's labor had, in that*

short time, reached the aggregate of two hundred millions of dollars in increased values of real estate, taxable values alone being regarded. [*See Senate Doc. 45, 1885.*]

To realize the penny-wise policy of the municipal authorities toward him, let the fact be stated that the latter while bestirring themselves to prevent his recouping his original outlay, *from the surplus income derived from it*, also applied for, and obtained, Legislative authority to spend a larger amount in a single year upon a menagerie in the City Park!

Such are some of the financial incidents more or less connected with this subject.

SYNDICATE FINANCIERING, 1870-'75.

Glancing at the financial period of the Wrecking-ring from 1870-'75, it will suffice to say, that it was wholly occupied with the details of completing the robbery of the original elevated railway, as commenced in 1870. The railway itself was not extended 500 feet in those five years.

The railway already built was kept in disuse many months while a bankrupt "curb-stone broker," Cowing, by name, was employed to canvass among the holders of the stock and bonds, and to work upon their fears under cover of the suggestion that the enterprise might be altogether abandoned. It in truth came very near being annihilated during this period by the Tweed-Field combination and was only saved by Harvey's magnanimity and energy, as noticed elsewhere. The tactics of the wreckers prevailed, and while they destroyed all the value of the stock, they bought most of the bonds at about 20 per cent. of the face value thereof, with cash supplied by the syndicate, or by exchange for stock in the new corporation, which practically cost them nothing.

To explain this to them economical process, it should be stated that the syndicate formed a new corporation composed mostly of themselves, under the name of the New York Elevated Railway Company, and signed an agreement that while acting as Trustees in control of the original West Side Company, they would transfer its property for a nominal consideration to the above mentioned new Company. This was writing themselves betrayers of a trust and it would seem a thing too audacious for even millionaires, as most of them then were, to thus defy conscience in the first principles of business morality. But it was done, and the principal parts of the original document are herein inserted.

"This Agreement, made and entered into this seventh day of July, one thousand eight hundred and seventy-one, by and between the undersigned, Danforth N. Barney, David Dows, John F. Tracy, John H. Hall and William L. Scott, as trustees for all the parties in interest to this agreement on the one part, and each and every subscriber hereto, for himself or themselves, as the case may be, on the other part, witnesseth: "That the purposes of this agreement are to acquire the roadway, rolling-stock, tools, fixtures and all other property, rights, interests and franchises of the West Side Elevated Railway Company of New York City, to extend, complete and equip said road; to organize a new company to hold, run and manage the same, and also to acquire and manage other property, rights, interests and franchises connected with elevated railways, and with the management thereof." * * *

That such trustees may at their discretion acquire the assignment, transfer and delivery of all the remaining second mortgage bonds outstanding, and also any other claim against said railway company deemed essential or desirable for said trust to own or control, and pay for the same by allowing the owners thereof to subscribe to this agreement, to the amount that such trustees shall agree to allow for any such bonds or claims, or said trustees may otherwise pay said owners for such bonds or claims. * * *

And we, the subscribers severally, but not jointly, hereby agree to furnish and pay to such trustees, their successors or successor or survivor, when requested by them to do so, our *pro rata* proportion of all moneys required to carry out the purposes of this agreement, so far as *the same contemplates the acquiring the property, rights, interests and franchises of said West Side Elevated Railway Company*, and to pay for the said roadway, rolling-stock, tools, fixtures, rights, interests and franchises, should said trustees determine to purchase the same at foreclosure sale or otherwise, together with all costs, expenses and disbursements in and about the premises. * * *

IN WITNESS WHEREOF, we have set hereto our respective hands the day and year first above written.

JOHN F. TRACY,*
DAVID DOWS,*
WM. L. SCOTT,* } *Trustees*
D. N. BARNEY,
JOHN H. HALL,

* Controlling directors of the corporation specified in this unique agreement, as to be despoiled of its property, and which was "acquired" as "contemplated" therein.

The names as above were different from those in the original Tracy loan syndicate. Mr. Woodward, who was one of the original members, had retired after endeavoring to assist Harvey as previously mentioned, and Mr. Dunham, having deceased, others were added who proved to be congenial spirits in the "ring."

The style of financiering then carried on will be best illustrated by the following letter sent to a widow lady at Utica, N. Y., who held $1,500 par value of the bonds.

"THE NEW YORK ELEVATED RAILROAD CO.
Secretary and Treasurer's Office, Cor.
Dey and Greenwich Street,
New York, September 18, 1872.

MRS. G. H. MAYNARD, 3 South St., Utica, N.Y.

MADAM—Yours, seventeenth, received. The mortgage given to secure the payment of the class of bonds of the West Side Elevated Railway Company, of which you hold three, has been foreclosed, and the property was purchased by the company named at the top of this page. You are entitled to your *pro rata* of the net proceeds of that sale when the matter is closed, which may be the case in a few weeks. Settled in that way you will get less than $180, probably about $165, for your three bonds. with coupons of February, 1869; and all later ones attached, which is something less than sixty dollars, probably fifty-five dollars, for each $500 bond, in cash. * * * If you elect to do this, you can send your bonds and $25 in cash to me, and I will send you $400 in stock of the new company. * * *

Respectfully yours,
(Signed) J. A. COWING, *Treasurer.*"

In 1873, this lady received a formal notice that $168.86 had been deposited in a trust company as the only and final payment for her $1,500 par value of bonds, and matured coupons.

The stock offered by the agent really represented nothing but her own property handed back to her diluted about 95 per cent. for the personal benefit of the recreant trustees!

She applied to Mr. Harvey for advice, who counseled waiting; with the result that without suit, the same "Treasurer" paid par, and interest for her bonds, so that she realized over $2,500, for what the wrecking-crew offered her $165.86! Who could not get rich upon such a basis of "syndicate" profits?

In contrast with her experience was that of the estate of the late Richard T. Underhill, M. D., a life-long member of the society of "Friends" (or Quakers) and the well-known owner of vineyards, introduced by him at Croton Point on the Hudson.

A pioneer of grape culture on an extensive scale in the valley of the Hudson, he also experimented in connection with the manufacture of native wines, until he achieved a success where the many predicted failure. He appreciated the desirability of more rapid transit between his country residence and city office, and at an early date investigated and advocated Mr. Harvey's plans as having the germ of the greatly needed boon. About the time that Mr. Tracy was first invited to invest in the experimental railway, (two years before his syndicate operations hereinbefore mentioned), but declined to subscribe with the remark that "it was too risky," Dr. Underhill became a subscriber; he like Mr. Dunham, gave personal attention to the progress made, and counseled with the projector in his arduous labors.

In like manner Dr. Underhill's memory should be coupled with the elevated system, and one incident will suffice to show the propriety of so doing.

As the time drew near in 1870 to open the railway to public use, he counseled great care in proving its safety.

A car loaded with a heavy test weight of pig-iron was drawn over the line by horses with satisfactory results. But this did not show the effects of speed, and Doctor Underhill favored a test as to that element of danger. Accordingly one afternoon, the test car was coupled to a passenger car, to be run over the route by the cable machinery. The Doctor, Mr. Harvey, and the writer entered the car, which was soon running at high speed. At the longest bridge and sharpest curve in combination on the route, the centrifugal force of the load shifted the supporting beams and bent a column arm, causing a section of the track to slide into the street below, and the car with its three inmates also went down. Providentially, no one was injured. When the track was repaired and new safe guards added, the same test was again applied, but at day-break, to avoid the previous danger to those on the street surface. Dr. Underhill had learned of the time, and, to the surprise of us all, appeared at the station at the dawn of the

day and insisted upon going with the party as before. The trip upon this occasion was made without accident, and at its close he grasped Mr. Harvey by the hand and said: "Now we can conscientiously recommend this road as safe." The doctor was correct, as statistics show that that railway and its extensions transport passengers with less casualties per capita than any other in the world.

Richard T. Underhill, M. D.

What the "Friend," Pease was, to Stephenson, the father of locomotive railways, the "Friend," Underhill, of Croton Point, was, in a measure, to Harvey, the father of elevated railways, and New York City is indebted to him to a marked degree for its present transit comforts.

He died February 1st, 1871, and his well-remembered form was laid at rest in the "Friends" burying place, at the confluence of the Croton and the Hudson.

His elevated railway interest, of from ten to twenty thousand dollars, was mainly invested in its stock, and as a result, when the wreckers obtained the bonds belonging to his estate, at the rate offered originally to the Utica widow lady before mentioned, they "acquired" his entire investment at less than five per cent. of its cost! Not long afterward they issued new stock to themselves for its original value!

When the bonds had nearly all been secured at the rates indicated, the conspiring directors caused a collusive foreclosure sale of the property to be made, to which the plundered company, being fast in their official grip, offered no opposition, and Mr. Harvey's interest as a stockholder was cut off with others, some of which were cases of peculiar hardship.

In the Assembly investigation of 1873, Mr. Ira Buckham, an ex-member from Brooklyn, of the House, was sworn and testified thus, April 15, 1873:

Q. Whether you know of any particular hardships entailed upon the original experimental stockholders or their representatives by reason of this mismanagement you testify exists? (Admitted.) A. I do know parties to whom I sold this stock—*I know of one case where the children have passed my door this winter without shoes upon their feet for the want of money that their father has paid into this concern;* * * * I am to-day suffering from the want of money in my business relations—money that I have put in there as an individual.

A part of the savings of the famous Governor, DeWitt Clinton (to whom the State of New York owes its system of canals, the most successful in the world), was swept away by the effects of the State's confirmation of the fraudulent foreclosure sale of the pioneer elevated railway.

His grandson, in stating, by written communication to the State authorities, that such was the fact, added that it was a part of the estate of the widow of the great statesman, and was invested in the stock of the experimental railway, which could, under Mr. Harvey's administration, have been sold at a premium, but, under the latter's successors, was entirely cut off.

The conspirators did not dare trust to court proceedings until they procured, largely by bribery, a law of the State, confirming the fraud, and transferring to the State the responsibility of their acts against Mr. Harvey—as Legislative Committees have since repeatedly reported, when investigating the subject.

With this obtained, their prospects of profit naturally became brighter. Death, meanwhile, came in and removed two of their number (Tracy and Barney), whose places, and that of Scott's, were taken by Samuel J. Tilden and Cyrus W. Field at intervals during 1875-7. The former was Governor for the years 1875-6, and brought political influence to favor the wreckers, with whom he became pecuniarily interested to a large extent, and himself signed

the Confiscation Act of 1875. He also secured the enactment of the rapid transit law of the same year, under which the Manhattan Elevated Railway Company was subsequently organized and the various interests consolidated. The courts sustained, in the main, the acts thus obtained. They decided that while the foreclosure proceedings by which Mr. Harvey's interest was cut off were illegal at the time, yet that the franchise taken by legislation from his organization and given to that of his opponents was an act the State could do, and was final in its effect. This at once removed all value to Mr. Harvey's stock interest, even if restored to him, and thus constrained him to look solely to the State for any further practical financial redress.

With these decisions the value of the elevated investments rose enormously, and both Tilden and Field rapidly made millions of profit upon small investments. But Tracy, owing largely to Mr. Harvey's hostile attitude in legislative matters, did not realize large profits, if any, but sold out too soon, and threw away a fortune almost incredible to estimate at its possible value, by pursuing his adverse policy towards the projector of the elevated system.

Had he conciliated the latter by fair treatment, and consented to the projector's desire that the original stockholders should be honestly dealt with in any plan of reorganization, he could have controlled the great interests involved with far quicker and larger profits than Tilden and Field afterward enjoyed. There is no doubt that even he would have found "honesty the best policy" financially, in the matters referred to.

The financial results may be summed up by a statement that the Tracy syndicate had eventually to divide their territory with a company made up of a remnant of the Tweed regime represented by his "water-meter" contractor and a prominent capitalist (C. K. Garrison), who obtained control of a special charter granted in 1872, to a doctor of medicine, Gilbert by name, for an impracticable plan of an elevated tubular pneumatic railway. By a coalition with Tilden, when Governor, they were enabled to retain their charter powers and change their plans to those introduced by Harvey. Those who desire to know what the plans of Dr. Gilbert were, his name being often quoted in connection with transit matters, can find them illustrated in Senate Document 21, of 1889, page 75. Thus two companies were in the transit field, each managed on a financial basis of issuing bonds for sums sufficient to pay for their structures leaving their stock as a profit. The issues of bonds of the New York Elevated Company were $6,500,000 during this period, which at market rates during that time, represented a net profit, including premiums on bonds, of at least $10,000,000. The only individual of the original Tracy wrecking syndicate which continued his interest up to the time when this bonanza was reached, was David Dows, previously mentioned in connection with Mr. Dunham. His interest, however, was a minor one compared with that of either Tilden or Field.

Governor Tilden was not only a thrifty capitalist and an astute lawyer, but an aspiring politician of rare organizing ability, as well. In this wide range of talent, that of engineering was not included, but competition was relied upon to supply this deficiency. He was credited with the conception and the enactment of the General Rapid Transit Act of 1875, the main features of which was that it applied, as a special law, to the conditions of the two elevated railway companies in New York City, and placed the key of the stock "deals" with himself. By its provisions, corporations for local transit purposes could only be created by certain commissioners, and no one could possibly become an original shareholder in the same except with their leave. They were appointed by the Mayor, who, under certain contingencies, was subject to removal by the Governor. That Governor Tilden became, eventually, a large stockholder was, therefore, not surprising. That he dictated the appointment of the Secretary or Executive of the Commissioners, was plain. The ex-Military Secretary of the ex-President of the ex-Southern Confederacy had arrived at the North seeking employment. The Southern States were a large factor in the next election for the Federal Presidency, to which Governor Tilden aspired. That the military confidant of the late Chief of the Confederate States (having, in fact, been captured with his chief in the pine woods of Georgia), could largely

control that element through his former acquaintanceship, was a natural consequence; hence, he was retained by having a public office given to him, to wit: Secretary of the Rapid Transit Commission of New York City. His qualifications for that position were infinitesimally small, as with his legal profession, all he could be supposed to know of engineering would be gained in his official connection with the building, or repairs of the military prisons of Andersonville, Salisbury and Libby—where the atrocities perpetrated upon the Union prisoners therein confined, has become known to history as the most infamous of any recorded in the annals of war among civilized nations, on this continent. Generals Grant and Garfield pointed to the ex-Military Secretary as largely responsible for the atrocities directly causing the death of a large percentage of the 24,595 soldiers sent by the State of New York, who died in prisons or hospitals during that tremendous conflict.*

But his acquaintance and influence, as a factor in the great political contest of 1876, would, doubtless, be immense, and that, from a political point of view, atoned for all his past record. He was given an opportunity for making money by official manœuvring in transit interests, and he is credited with having worked that vein for all that it could yield, including, as shown in subsequent pages, direct drafts upon the State Treasury!

He, in due time, officially formed the Manhattan Railway Company, and saw it balanced as a kite of the first magnitude! Invitations were advertised for plans to be submitted to the Commission, but nothing better than Harvey's original structural devices, plus the locomotive, were shown, and the latter in due course were adopted. Mr. Harvey could then have submitted improved plans, but he did not venture to exhibit them to such a combination. Whether the memory of the loss of a near relative (Governor Harvey,* of Wisconsin,) in the late war had any connection with that decision, the author cannot say, but it was enough, doubtless, for the originator of the elevated transit system to know that *a majority of the Commission*, aside from their sapient Secretary, *were Directors in the Ogden underground transit scheme, at the time of its stupendous failure* referred to upon page 32 of this volume. What clearer poetic justice could be devised than that this city, which has treated the claims of the author of its rapid transit so harshly, should have its vast interests in that regard committed to such official care-takers!

In the course of events, Field and Tilden came to a rupture,† and the ex-Governor retired to be replaced in the management by the money-kings yet to be mentioned, and the period of special political manipulation of New York transit interests practically ceased during A. D. 1880.

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* Says a writer on the subject, as published in 1876: "A debate in Congress of January 14, 1876, developed the fact that all the inhuman Executive orders respecting Union prisoners in Southern prisons originated with or passed through the hands of the 'Military Secretary.' General Garfield said that when the Confederate Adjutant-General reported that the brutality of the General (Winder in command of the military prisons was a reproach to the Confederacy, and the Commanding General removed him, he was restored and continued by the direct order of the Confederate President countersigned, of course, by the Military Secretary. General Grant was quoted as saying, that while he found the conduct of the great Confederate Generals was honor itself, experience showed that in the Executive military management there was *no honor whatever!*" (See Senate Doc. 21, of 1889, page 98.

*His life was sacrificed while upon an Executive journey to care for the Wisconsin troops, killed or wounded at the Battle of Shiloh.

† A spicy correspondence was carried on by Field and Tilden in the press about this time:

Mr Tilden, it seems, wanted his private secretary, C. J. Canda (who had been Secretary and Treasurer of the Ogden underground scheme in 1871, when Tweed's name appeared in the list of Directors, and who was subsequently one of the Rapid Transit Commissioners, employing the ex-Military Secretary, etc.,) to be placed on the list of Manhattan Railway Directors. To this Cyrus W. Field replies:

"*I am happy to see that Mr. Tilden tells the truth in* "ONE INSTANCE. *We did refuse to make Mr. Canda a* "*director in the Manhattan Company and I tell you* "*why: We wanted in that company men of brains—* "*not mere cyphers and the representative of other men* "*skilled in the use of cyphers.*" (This was a sharp allusion to Mr Tilden as being the author of the famous "Cypher Despatches," connected with an attempt to buy up votes enough to secure to him the National Presidency in 1876-7.) Further on Mr. Field explained that he went to Tilden to join him in buying out the Tracy syndicate elevated stock because: "*Wanting a strong legislative ally in the* "*concern, and that if he (Field was sure of the deci-* "*sion of the Court of Appeals he would not have needed* "*him,* AND HE (*Tilden*) UNDERSTOOD THE MATTER. [He was then Governor].

Mr. Field remarks further—*Mr. Tilden is a man* "*so given to "ways that are dark" to cunning and* "*deceit his very nature is so false and treacherous that* "*he cannot be trusted in business or politics.*" Such is the published estimate of the Governor who approved of the Confiscating act of 1875, which Governor Dix refused to sign because it was unjust.

MONEY-KING PERIOD, 1881-90.

The politically-sired Manhattan Railway Company with its hypothetical stock-issue of thirteen millions—based wholly on leasehold privileges, had entered into the race for public favor, with great flourish of trumpets in the Stock Market, but after various fluctuations of price, was quoted at $46.50 per share (par $100), in February, 1881.

A mysterious movement to depress its price then began to take effect. Certain of its management made application to the city authorities for a rebate of taxes on the score that it was not earning an income sufficient to pay the same. This was taken notice of by the State Law Department, which employed the ex-Confederate Military Secretary, Burton N. Harrison by name, to assist in bringing a suit in the courts to dissolve the same corporation, which as a protege of Governor Tilden he had been lavishly paid for organizing! For this-double dealing service he was allowed to draw $3,500, as a retainer out of the State Treasury! A Supreme Court Judge, Westbrook by name, who occupied a rural Judicial District was discovered by David Dudley Field as the one to take Judicial action in the case. Studied notoriety was given to the proceedings, a receiver or receivers, were appointed to administer the corporation affairs; the judge coming to the city and holding his court in or near Field's office, in a private building.

The result of all this stage acting was to tumble the price of the stock down to $15.50 in August, 1881, with the public at large only anxious to become rid of it.

Then Jay Gould and Russell Sage in conjunction with Cyrus W. Field, bought millions daily, until the price began to rise after they had secured the control, at the same time having bought largely into the two lessor company's stocks at sympathetic rates. The Stock Market values then continued upward until within seventy-five days $60 per share was reached, for the same stock quoted three months earlier at $15.50.

The public, and especially the portion of it who had lost on their shares, then began to realize that they had been the victims of a "stock deal," and that the Law Department of the State through its Attorney General, and the functions of the Supreme Court, had been deftly used to depress the Stock Market to their loss! This unique system of thimble-rigging excited the ire of the victims to such an extent that an attempt was made to have Judge Westbrook impeached and removed, as had been done with Field's adjunct, Judge Barnard, ten years earlier. A mass of testimony covering 1,991 printed pages was taken by the Assembly Committee of Investigation.

A minority favored impeachment, but the majority resorted to the traditional finding of "not guilty, but must not do so again."

The money-kings were now "in clover." The market value had increased $5,850,000 in less than ninety days!

None but such a combination of financial magnates could control prices so certainly and so profitably, and this case furnishes a good example of the easiest way at the present time to gain colossal fortunes.

By the modern methods of stock operators, the managers of a "fancy stock" company can realize enormous profits from the fluctuations in the Stock-Market in special cases manipulated by themselves.

Two illustrative instances will be given. The first was in the case of the defeat of the five-cent-fare bill in 1883-4, when certain legislators thought it would have a quick and quickening effect, and gave orders to buy for a rise. The price, however, went down "ten points" at a time, and some of them will in consequence display a limp to their financial gait ever more! More might be told of this transaction but space forbids.

Again in 1888-'89, the stock rose steadily until $140 and even $150 per share for "Manhattan" was reached. The word was passed around freely that it was going to $175.

The public may be supposed to have taken the bait freely, and lo! just then a stage quarrel in the management served to send down the price $40 per share in a single day or from $160, to $90, in 48 hours! The story was published in the newspapers at the time, of a customer in a Chicago broker's office who concluded to buy 100 shares of Manhattan for the rise of one day, and gave the order while watching the "tape." He took his eyes off to speak the words, but the clerk wanted a few minutes time to finish another order, and the

would-be purchaser had time to look at the tape quotations once more, when he found a drop of $30 per share registered during the minute interval, and he thus saved $3,000! How many in that and other cities had the reverse experience that day? None but the Money-Kings can know.

Here then, opens to view the "happy hunting ground" of the "Money-Kings."

But the reverse picture should also be considered. In reality the Manhattan stock only represented the deferred payments of damages to innocent and injured proprietors of adjacent realty.

To coroborate this proposition the following extracts from an article in the New York *Times*, of December 4, 1888, are here subjoined:

"GOOD FOR TWO CENTURIES—THE JOB OF CONDEMNING ELEVATED ROAD EASEMENTS."

"It is certain that the railroad company will have a bill of over $10,000,000, and more probably in the neighborhood of $20,000,000, to pay before they see the end of the present line of proceedings. This will be nearly as much as the original cost of the structures, and must necessarily scale dividends down in such a fashion as will run the price of stock down a long way from where it is to-day. * * * *

President Armstrong "said yesterday that over thirty such owners had called at his office, 71 Broadway, to ask him to award them the damages that belonged to them. They supposed the commission had been appointed upon the request of the railroad company to receive the applications of owners for such damages and to settle the amounts and pay the money; and, not wishing to be behind-hand when the damages should be paid, or come after the resources of the elevated railroad company had been exhausted, they had come thus early. * * * * President Armstrong assured these gentlemen that the elevated railroad company had not been actuated by any such philanthropic motive in applying for the commission, and that their powers were limited to the 130 particular pieces of property which the elevated railroad company had selected. * * * * * * * * *

"Giving only a week to each case, it will "take two years and six months to deter- "mine the rights of the owners in the 130 "cases now before the commission, AND "THERE ARE IN THE NEIGHBORHOOD OF 10,000 "OF SUCH CASES ALTOGETHER. *However satis- "factory this may be to the railroad company, "it can hardly be agreeable to the property- "owners, as at the rate of progress described* "IT WOULD TAKE NEARLY 200 YEARS TO DIS- "POSE OF THE ENTIRE NUMBER."

The change of plans growing out of the robbery of Mr. Harvey's stock interest and the suppression of his system by the substitution of the locomotive, had a wide-reaching effect.

In retired and quiet Third street, or the elegant residence locality of Fifty-third street, where the residents mostly owned their own homes, they found a structure suddenly erected, which practically converted the street surface into the floor of a tunnel and upon the roof of which heavy locomotive trains rushed back and forth within a few feet of bed-room windows at all hours of day and night. The dwellers on those streets, and others like them, were driven out of their homes, as by an invading army.

Not an offer of compensation had been made to any of the luckless owners, and upon enquiring, they were told that their remedy lay in suits for damages. Some of them acted on that assumption, but found that they had leaped "from the frying-pan into the fire;" their losses thereby being only increased. The statement was recently published that after a lapse of a dozen or more years, not a dollar has yet been paid upon the earliest litigated claims. The reduction of values was estimated by the late Public Administrator, Sullivan, as being upwards of thirty-three per cent. and as generally wiping out the average of the equities in the property, along Third street, beside the necessity of removal in order to insure ordinary home conditions of comfort and health. The lots on some of those streets are gradually being changed into sites for factories and workshops, and are meanwhile the rendezvous for the most disreputable classes in the city, who do not rebel at the sulphurous gases, or nightly disturbance of rushing trains.

If the claims of property owners for damages actually caused by these noisy and unsightly structures were paid upon a fair basis, the value of the transit "securities" would be wiped out. Avoidance of compensating for such injury is in reality

the only basis of the "stock capital." Only "Money-Kings" have the legal and political machinery which can cope with such risks, and enable them to avoid the settlement of damages by interminable legal delays, and expenses, by which ordinary opposition or individual claimants of justice, are ground to powder. Take the example of Mr. Rufus Storey, who instituted the first suit against the locomotive system for damages to his property Nos. 7 and 9 Front street.

Mr. Storey was a man of wealth and long business experience, holding the title of his property as extending to the middle of the street under an ancient grant. He employed the best legal talent in the city and set himself firmly to defend his rights, and when the New York Elevated Railway Company, in 1876, undertook to place its bulky double-tracked structure in the street, fronting his building, he applied for and obtained an injunction in the Court of Common Pleas. Subsequently that Court dissolved the injunction. On appeal this order was affirmed by the General Term of that Court. On appeal to the highest Court of Appeals at Albany, the latter was evenly divided on the first argument. The case was argued the second time (a new Judge having taken his place among those on the bench), with the result of reversing the decision of the lower court, and a new trial was ordered. Upon the next trial the defendant was permitted to set up the new fact that it had decided to pay damages, to be ascertained by condemnatory proceedings as provided for by general laws, through the award of special commissioners. These proceedings were followed up, and an award of $15,000 made to Mr. Storey as damages. This was appealed from and a new commission was appointed, which awarded $7,500; this also was appealed from, but, in the end, was at last paid in 1886, *a full decade after suit commenced!* The opinion is expressed in legal circles that this award fell far short of Mr. Storey's legal expenses.

Thus he expended ten years in a legal fight to finally recover probably about fifty per cent. of his expenses, while the Elevated Railway managers, in effect, mortgaged his property with theirs, and sold the joint lein at a profit before he commenced suit, besides possessing as a surplus the stock representing the control!

Mr. Storey died soon after the financial award; whether from chagrin, such as killed Dr. Caro, in consequence of the uncompensated ruin—by the Sixth Avenue line—of his beautiful residence on Fifty-third street; or whether, like Mr. Paton, because of worriment resultant from the change of motive power, which the latter resisted by force when first proceeded with in front of his hotel property in Greenwich street—the writer cannot positively affirm.

The primary cause of this unparalleled injustice was the suppression of the experimental plans of the original projector. The bulky structures and the vicious system of motive power now entailed on the present system of rapid transit as a seeming necessity, but for such suppression would not now exist. Thus one wrong breeds another, and those who enter upon such a system of robbery, know not whither it will lead them. As in centuries past, owners of slave-ships could occupy their luxurious homes in refined social surroundings and enjoy the beauties of nature and art, while on the opposite side of the globe were continually heard the dying groans of their victims, so in palatial residences in certain parts of New York City, are those who, in a measure, owe their luxurious surroundings to the profits of driving out worthy people, without compensation, from their honestly acquired and dearly loved homes.

That the injustice of those cases, and others like them, is a standing reproach upon the law of the land, and upon the power which established such law, all must admit.

Taking into account that the suppression of better plans was the root of this evil; that robbery was the motive for such suppression; and that this stupendous system of denial or evasion of justice is built upon such base principles; the question arises: what will the final outcome be? Can such a fabric of speculation, oppression and robbery continue indefinitely?

If so, then THE MOST NOTABLE ROBBERY OF MODERN TIMES is certainly one of the most interesting problems of the age, and must be deemed collateral evidence that in this decade, or in this locality at least, "honesty is *not* the best policy"—from a financial point of view!

CHAPTER IX.

Promoting Incidents.

The services of the promoter are not yet fully recognized in this country as belonging to a regular profession or business, though long since so regarded in the business centres of Europe. But the necessity of such services is most apparent in new and novel enterprises. Cyrus W. Field won a world-wide fame, by leaving the paper-commission business in which his success had not been brilliant, and devoting himself for years to advocating the idea and promoting the plan of laying a submarine continent-connecting cable across the bed of the Atlantic. He brought such capitalists as Thomas Brassey, of England, and Peter Cooper, of New York into a special combined effort which rendered the cable enterprise practicable, and he was paid with appropriate liberality for such intermediary and properly termed "promoting" services. He furnished capital in brains and personal energy, while others supplied capital in money. This combination brought final success.

In the matter of introducing the elevated railway system of transit into the City of New York, the only person who can be designated as its original and effective promoter, is Charles T. Harvey, whose engineering and financial record has already been reviewed. That the functions of Inventor, Engineer, Financier and Promoter should be concentrated entirely in one person is a rare record in any new enterprise, but especially in one of such magnitude and novelty as the Elevated Railway system.

THE PROMOTER'S EXPERIENCES IN NEW YORK.

Mr. Harvey's first appearance in the capacity of a promoter in this undertaking was at the New York Legislature in 1866, in obtaining a law to authorize the formation of companies to operate railways by traction cables, the first law of its kind placed upon any statute book.

Soon after the passage of this Act, he organized in New York City, the first company ever formed for applying traction cable power to elevated railways, and then sought for permission from the Municipality to construct an illustrative section in Greenwich Street, with the condition that if upon due inspection it proved a success, three parallel lines might be run through the City, from north to south, one each on the Ninth Avenue and Third Avenue routes as now built, and the third on Broadway.

He soon found that the great obstructionist to rapid transit was the dry-goods magnate A. T. Stewart, and upon him he called with an introductory letter from Erastus Corning, of Albany, then President of the New York Central Railway. This letter secured to him a prolonged interview, when he exhibited to Mr. Stewart small models and drawings of his plans. He was surprised at the close, to have Mr. Stewart say to him. "Your plans are the best I have yet seen and for that reason I shall oppose them the more vigorously."

Thinking that it was because of the Broadway feature in the proposed ordinance, he consulted with the venerable Peter Cooper, when that philanthropist offered to go with him to again call upon Mr. Stewart. This was done, and the question was asked whether if the Broadway route was stricken out, he would consent to a trial being made of the new system, on Greenwich Street. He replied "No; for this reason, if it proves a success upon Greenwich Street, the people will demand it upon Broadway, and I might not be able to prevent it; but to keep it out of the City altogether will be comparatively an easy matter and all efforts to the contrary will be hopeless, for I will spend a million of dollars, if need be, to prevent it."

Mr. Harvey resented this declaration as a most unwarrantable assumption by one person as against the well-being of the great City. One word led to another, and threats and words of defiance were exchanged with increasing vigor until Mr.

Cooper insisted upon the interview being closed. Stewart and Harvey subsequently met but once, a year afterward, when Harvey announced his legislative success in a jocose manner, and Stewart made a waspish reply. W. H. Appleton, the great book publisher, used to tell the story of Stewart's snubbing him at the Club most pointedly on hearing that he had consented to act as Treasurer of the new enterprise.

Mr. Harvey, upon Stewart's declaration of war, "cleared his decks for action," and the ordinance for permission of the experimental section with the three routes as the contingent reward was promptly passed by the Common Council; this measure was vetoed by the Mayor under Stewart's influence, but it was about to be passed over the veto by the necessary two-third vote, when upon Stewart's petition and affidavit a Judicial mandate was interposed.

To give this permanent effect, Stewart brought up his reserve in the person of the redoubtable Judge George C. Barnard, who had granted the *exparte* preliminary injunction restraining the Common Council from passing the resolution of consent over the Mayor's veto, as the law Harvey had so recently secured expressly allowed it to do. Harvey thereupon secured as counsel, Ex-Chief Justice Bosworth, and laid the case before him. He advised that to enjoin the Council from performing proper functions as authorized by law, was beyond the powers of any Judge to do, and the injunction must, of necessity, be dissolved; and he prepared an elaborate argument to prove that proposition. Both Stewart and Judge Barnard, doubtless, understood this full well, and therefore thought best to make an imposing display to overawe if possible the irrepressible promoter.

When the hour of hearing came, Harvey was at hand with his counsel, the late Judge Bosworth, whose dignified bearing and striking countenance many will recall. Soon a side-door opened, and Judge Barnard appeared, followed by Mr. Stewart, who was assigned by the Judge to a seat on the bench beside him. Scores of property owners along Broadway, together with certain employees of the great merchant, to whom Stewart had doubtless sent word to be present, occupied seats within the bar.

When the case was called, Judge Bosworth rose to proceed with the argument, but was cut short by the Court, who said: "THE COURT ANNOUNCES TO DEFENDANT'S COUNSEL THAT ARGUMENT IN THIS CASE WILL BE BUT A WASTE OF TIME, AS THE COURT HAS ALREADY MADE ITS DECISION, WHICH IS TO CONTINUE THE INJUNCTION." "*I understand*," the Court was reported as adding sarcastically: "*that the party defendants in this case are endeavoring to get permission to place a railroad in the air, without visible support for the same, along the streets of this city. Riding in the air under such conditions would be too dangerous for this Court to permit worthy citizens to incur the risk, and if the agitation of the subject is continued much longer, it may become the duty of the Court to inquire into the sanity of the projector of this chimerical scheme.*"

With such pointed remarks, of course all eyes were focused upon Mr. Harvey sitting beside his counsel, and a loud guffaw began by the Judge * was echoed by Mr. Stewart on the Bench, and by his henchmen or admirers seated within the bar, until the promoter of elevated railways was then and there literally laughed to scorn.

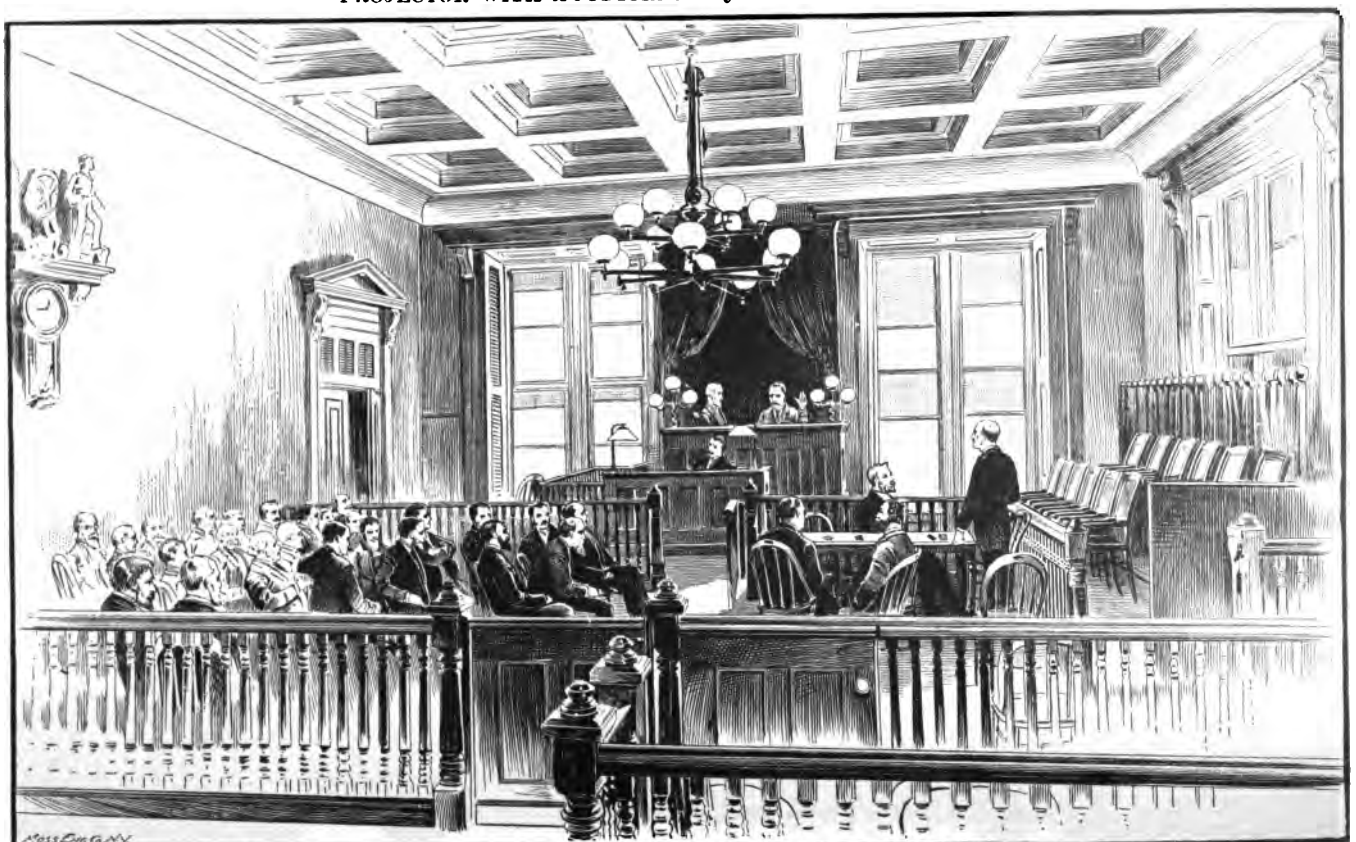
The author of these pages considers this as the most thrilling incident in the history embodied in this narrative, and one that should be perpetuated by pencil as well as by pen. He has accordingly caused a photograph to recently be made of the room where this scene took place, with the persons as then grouped in it, shown as near as recollection serves.

(See illustrated view annexed.)

The room is the south one on the first floor of the brown-stone building standing in the City Hall Park, and is now used by the Court of General Sessions, the Bench and the Bar remaining in the same posi-

* NOTE.—See notice of this characteristic of that Judge's habits on page 16.

THE COURT FORBIDDING THE BUILDING OF AN ILLUSTRATIVE SECTION OF ELEVATED RAILROAD IN NEW YORK, AND THREATENING THE PROJECTOR WITH A JUDICIAL INQUIRY AS TO HIS SANITY.



VIEW OF SUPREME COURT ROOM IN N. Y. CITY, AUGUST, 1866,
JUDGE BARNARD PRESIDING:
A. T. STEWART OCCUPYING A SEAT ON THE BENCH.

tion as when occupied by the Supreme Court in 1866.

Harvey stood alone in that Court-room as the progenitor of New York's present system of elevated railway transit, which has since transported three-quarters of a million of people in a single day, and has, even in an imperfect form, vastly improved the social conditions of the city. Could he have caught a glimpse of the future, as now seen in that regard (leaving aside the intermediary robbery) how it must have strengthened him in that trying hour! But what would the other two leading figures in the scene have said had the curtain of futurity for a moment then been lifted under their gaze. The Judge to have scanned the pictures of himself, (as shown upon page 16) published only six years later, and after the event to which it referred. The merchant to have read an advertisement in a New York paper of the next decade, inserted by a representative of his estate, offering $50,000 for the return of his body to its grave, "and no questions asked."

Which of the trio would have laughed under the light of such revelation?

The following extract from an "editorial" published in a leading city periodical the following week, will indicate the tone of manufactured public sentiment of the period:

"Among the general rejoicing and enjoyment of the past week, the public has failed to recollect the miseries of our esteemed aldermen and councilmen, whose hopes and expectations were so thoroughly blighted by the decision of Judge Barnard on Thursday last, declaring that they should be perpetually enjoined from establishing a railroad in Broadway, whether aërial, highfalutin, or otherwise.

"The resolution having this object in view, which they so hurriedly adopted last July—at a meeting specially called for the purpose of fulfilling their contract upon the subject, giving to Mr. Charles T. Harvey, William H. Appleton, Frank Work, Chauncey Vibbard, and a few others the right to construct a railroad in Greenwich street. * * *

"It is, however, fortunate, that we have a few public-spirited citizens, who watch with argus eyes the movements of our city managers, and it is equally well that we have a few judges, like George G. Barnard, who, knowing the law, dare declare it in defiance of the threats and coaxings of those knaves, in and out of the common council, who would sell our city's birthright for a mess of pottage.

"When the cases came up in the Court, brought there by Mr. A. T. Stewart—who never sleeps when any outrage is to be attempted against Broadway—Judge Barnard informed the counsel arrayed on both sides that, before granting the injunction, he had carefully examined the questions involved, and he was free to say, that his mind was so firmly fixed that he really thought *no argument could change his views*, or induce him to remove the restrictions upon the corporation"

On leaving the Court-Room, Judge Bosworth remarked to his client that the Court acted in defiance of law, as well as of decency, but that the surrounding influences were so hostile, that the whole gamut of appeals would have to be run, to remove the injunction, and then pressure might be brought to bear on the Council, to repudiate its first action, and thus no progress be made in the end.

The decision was quickly reached to drop efforts for Municipal authorization and await opportunity to apply to the Legislature. Judge Barnard's injunction is still in force, for aught known to the contrary!

PROMOTER'S LEGISLATIVE EXPERIENCES.

The contest was then to be transferred from the Court-House to the Capitol, and Mr. Harvey studied the position most carefully. He learned that Stewart had defeated the Underground Transit Bill of 1865 by securing the governor's veto, after due passage through both Houses with a strong endorsement by leading capitalists in this city, who then favored it.

This rock Mr. Harvey determined to avoid, and he did so by undertaking certain amateur political services for the Governor, who was that year a candidate for re-election. The details, if space permitted them to be given in full, would amuse readers greatly, but must be omitted here. Suffice it to say that Mr. Harvey's plan worked to perfection, and the governor's

re-election hinged largely if not decisively upon it. The governor was not apprised of the *modus operandi* in advance, but on learning subsequently concerning it, and the results, naturally desired to reciprocate to any reasonable extent. The experimental Elevated Railway project was explained to him seasonably by a private inspection of the same models elsewhere mentioned as exhibited to the Senate.

In due time Mr. Harvey came to Albany to obtain Legislative sanction and found Mr. Stewart's agent upon the watch. But one day the enabling Act as previously sanctioned by the Senate, passed its third reading in the Lower House, and the Speaker was called from his dinner to sign the engrossed copy. Then a senator, in waiting took it to the governor with a message from Mr. Harvey that prompt executive approval would confer a special favor. The senator was agreeably surprised to see the governor after a brief examination, affix his signature and immediately send it by special messenger to the Secretary of State's office which placed the law beyond recall. Mr. Stewart's agent was astounded, for he had not been apprised of its final passage, and so had not demanded a hearing in the Executive Chamber for Mr. Stewart to appear in opposition, with his usual contingent of Broadway real estate owners. This line of tacties otherwise employed successfully which for more than a quarter century defeated Jacob Sharp in his attempt to get Broadway surface tracks legalized, although he had ample capital and the best organized lobby to aid him to be found at the Capitol and had but two years before d feated the underground scheme, was in this case completely outflanked.

So sure was Mr Stewart himself of his hold upon the governor that when Mr. Harvey accidentally met him the next morning and jocosely rallied him upon the impotency of the threats made in the presence of Peter Cooper, his reply was: "Ah! young man, you may have got through the Legislature, but I will see that you don't get the governor's signature, mark that!" It was only when Mr. Harvey drew forth a certified copy of the law, with the seal of the State attached, that Stewart would believe that his usual grasp was gone. The leading Albany newspaper, in noticing the passage of the law, remarked editorially that "the lobby" was surprised, as it had passed without their services, or any taint whatever of corrupt means attached to it.

I was present when the bill came up in the House and it was known that the veteran parliamentarian, Ex-Speaker Littlejohn, was to oppose it in the interest of the surface railways and with Mr. Stewart's approval. Mr. Harvey had prepared for that attack by "coaching" several speakers to have them ready for prompt consecutive replies. When the Ex-Speaker eventually saw how completely his eloquence had been discounted, and how all dilatory motions were countermined and the bill pressed to a successful vote, (81 to 12,) he came to where Harvey was sitting bye, prompting the member who made the motions, and said to him: "I will own to you that this is the best "log rolled" bill I have ever seen passed on this floor, but I would have beaten you had the word "experimental" have been left out of the title of your Bill. Your speakers, appeals against stifling experiments in this age of improvements carried the House with them and left me no ground to stand upon."

The last of these selected speakers who thus matched the Ex-Speaker—General Benjamin F. Bruce, of Madison County,—died during the past year.

The reader may well consider the management which secured the experimental Elevated Railway Law of 1867, in the presence of such opponents, as an example of the highest type of promoting ability.

PROMOTING BY PROXY.

The next example of promoting service that will be mentioned, occurred in the Spring of 1871. The Tracy syndicate had, during the previous November, removed Mr. Harvey from the Elevated R. R. management, as mentioned elsewhere, and was permitting the railway to lie unused, (while their agent was, with their funds, buying up bonds at the dishonest rates noted in

Chapter VIII.) This brought the enterprise into general discredit, and the public were ready and willing to see it removed altogether, as a failure.

Just at that time Tweed, Stewart and David Dudley Field combined to monopolize the rapid transit facilities of the city, through the agency of the "Viaduct" scheme, mentioned in Chapter Five. A part of their programme was to repeal the Experimental Railroad franchise and sweep that rival out of existence. Tweed afterward divulged the arrangement. As soon as the law was passed authorizing its removal, it was arranged to send the thousands of laborers employed in his City Department (Public Works) to pull down the tracks and supports at once, while Field would be at hand to procure an order from Judge Barnard enjoining all interference till the job was done!

The first intimation of the plot was the introduction, March 28, 1871, of Senate Bill, 420, entitled,

AN ACT TO REPEAL AN ACT TO PROVIDE FOR THE CONSTRUCTION OF AN EXPERIMENTAL RAILWAY, ETC., of which

SEC. 1. *Specifically repealed the Experimental law.*

SEC. 2. *Required the Corporation owning the then only existing Elevated Railway to entirely remove it during the month of June following.*

SEC. 3. *Provided that if Sec. 2 was not complied with the City Commissioner of Public Works (Tweed) was required to remove the same at the expense of the owners.*

Tweed being then a member of the Senate, and practically its Dictator, "railroaded" the bill at such speed that it went through all its stages in two days! It passed the Senate, March 30th (20 to 9), and was sent to the Assembly for concurrence. It became known that the Governor (Hoffman) would sign it if it came to him for approval. On receipt of this news in New York, the Tracy party was panic-stricken, and knew not how to avert the impending annihilation of their ill-gotten and *misused* franchise.

Here was an opportunity for Harvey to have easy and speedy revenge upon them. If left unaided for a week, the elevated system would go out of existence, and the Tracy syndicate would deserve no sympathy in its total loss. But the emergency was not viewed by Mr. Harvey in that light. He saw in it only the defeat of cheap rapid transit. I was at once summoned from my residence at that time in the country and received from Mr. Harvey not only money for my expenses but a letter to the late Honorable Erastus Corning, then resident in Albany, invoking his aid to save the elevated system from destruction, this letter I delivered to him in person.

Though that gentleman had no pecuniary interest in the result, the letter at once caused him to grant active assistance as it was from the promoter and engineer of the great Lake Superior Ship Canal, with which Mr. Corning was connected as President of the Construction Company. Mr. Harvey was the engineer in charge of the work during the winter of 1854–55, when an unforeseen engineering difficulty, involving extensive sub-marine rock excavation, was discovered. Mr. Harvey sent full information of the matter and called for instructions. Mr. Corning, as President, convened an advisory council of the best engineers to be found in the country, and they, after long sessions, could suggest no immediately practicable method of overcoming the difficulty in time to save the contract with the State of Michigan from lapsing, at a probable loss of millions. It was known that Mr. Corning was a heavy investor and when this contingency was bruited about, a "run" was made on the Bank of which Mr. Corning was president, and his own finanical standing was questioned. So anxious was he as to this Western investment that he arranged for making the long journey to the work in company with the Board of Directors and the advisory Council of Engineers before mentioned, and engaged a steamer at Detroit, to carry them as passengers and to force the earliest passage way through the ice to the Falls of the St. Mary's River, only to find that pending instructions, Harvey had invented a novel machine for sub-marine rock excavation, by which he

had overcome the difficulty, and that the great work would be finished on time The visiting engineers, one of whom was the late John W. Brooks,* of Boston, and another, the then State Engineer of New York, John T. Clark, and a third, W. J. McAlpine, Ex-State Engineer, affirmed that this was an achievement by engineering ability of the highest class. Mr. Corning said it was the surprise of his life to have such a load of anxiety removed in one short hour. The news, when received at the East, advanced the selling price of the Construction Company's stock, a hundred per cent., and Mr. Corning's profits from the investments eventually reached, it is understood, well nigh to a million. When the writer, therefore, presented to him the letter from that engineer, it was not surprising that Mr. Corning laid aside other matters, and devoted himself to thwarting the Tweed, Stewart, and Field conspiracy. He was then an acknowledged leader of the dominant party, having recently declined a ore-electin to Congress, and as first president of the consolidated New York Central Railroad, was favorably known throughout the State. His Websterian features are shown in the following very correct vignette.

HON. ERASTUS CORNING.

* Selected by the State of Massachusetts to supervise its undertaking of building the great Hoosic Mountain tunnel.

When he sent messages to members of Assembly, or called upon them in company with myself, every word had its effect, and the first vote in the Assembly affecting the Repeal Bill disclosed to Senator Tweed that some potent but adverse influence was at work. He sent an agent to the writer with an offer of $50,000, if he would simply acquiesce in the passage of the bill.* This being declined, he redoubled his efforts; and the writer saw him canvass the Assembly in person while the vote was pending, and become so earnest that the perspiration stood in beads upon his forehead, while as the official representative of the Metropolitan Municipality, he urged the country members to vote for the removal *of the then unused* Experimental Elevated Railway. But he suffered in this case his only defeat of that Session, for April 19, 1871, the Repeal Bill was lost by a vote of 76 to 39.

The following notice of the occurrence, as inspired by the Tweed, Stewart, Field combination, is from a New York daily of April 20, 1871, being the next day after the vote.

(SPECIAL CORRESPONDENCE.)

ALBANY, *April* 19, 1871.

GREENWICH STREET RAILROAD NOT DEAD YET.

"The Greenwich Street Elevated, or one-legged, Railroad, is not yet on its last legs!

* This statement was made by myself under oath before the Investigating Committee of the Assembly of 1873, when all the parties referred to were living; *its accuracy was never questioned.*

At the same time and place the following extract from a letter of Mr. Corning was put in evidence before the Committee and his signature proven.

EXHIBIT Q.

"I have been acquainted with Mr. Charles T. Harvey since 1853, when he was appointed general agent of the St. Mary's Falls Ship Canal Company, of which I was the president. Mr. Harvey projected that company, and attended to the granting of its charter by our Legislature, as well as the distribution of its stock and subsequent organization. Mr. Harvey received the thanks of the company for his engineering abilities, on the completion of that great work, which was placed in his charge by the company. His experience in corporation affairs has been extensive and any representations that he may make can be relied on with perfect confidence."

Respectfully yours,

ERASTUS CORNING.

An attempt to repeal its charter was defeated yesterday in the Assembly by an overwhelming vote; 74 to 34!"

"There was quite a lively time in the afternoon in the Lower House over the bill to repeal the act that brought that nuisance into life. A LOBBYIST EMPLOYED FOR THE OCCASION actually succeeded in getting a large number of the country members to vote against the bill. *The New York members fought the opponents of the bill stoutly.* Flannagan, Lentrel, Hays and Hillman went for the road with full batteries, but the warlike, heavy cannonading of Hitchman (the Speaker,) and of Connolly, proved alike of no avail in the end."

"The defeat of this bill is but another sample of how country members can do pretty much as they like with the streets of New York City whenever they have a mind to be stubborn, despite the wishes of the people most concerned in the city's welfare."

It may not be amiss to here insert the likeness of the "lobbyist" referred to, in the above notice as having rallied the country members of the Assembly to the rescue of the pioneer Elevated Railway in New York City, when its representatives led by the Speaker were a unit against it. The photo-engraving being made nearly twenty years since the scenes referred to, time has, of course, taken from the semblance of the vigor then called into requisition.

STEPHEN O. JENNINGS.

Thus it will be seen that the City of New York owes its present rapid transit system largely to the disinterested efforts of the late Erastus Corning, of Albany. But neither he nor the writer would have combined and prevailed against the city's Chief, Senator Tweed, had it not been for the promoting arrangements of Mr. Harvey. It remains to be stated that the writer's services were never recognized by the Tracy ring, nor Mr. Harvey reimbursed for the expense incurred by him in rescuing the stolen property from annihilation.

DEFENSIVE PROMOTING.

The next phase of Mr. Harvey's experience was in opposition to the syndicate's programme for the coveting Elevated Railway management to obtain confirmatory legislation.

In 1872, all danger from the Tweed, Stewart and Field regime having passed away, legislation was sought for, by the Tracy party, to confirm the fraudulent title to the experimental railway property, and the suppression of the experiments required by law to ascertain the best form of motive power. During the legislative session of that year Mr. Harvey was at Albany long enough to secure the summary defeat of such a bill.

The next session (1878) their agents were back again, and corrupt methods were put into requisition. Such was their only recourse; without which they had no arguments that would avail to cover their unjust plot.

The corruption in the Legislature during Tweed's reign, and for years afterward was fearful, and the Elevated management was known to be most unscrupulous in its methods. That session Harvey secured the passage of a Resolution in the Assembly, ordering an Investigation, with a view of placing the facts upon record for all time.

This was a novelty in promoting procedure, but it was an admirable plan. By this means all facts desirable for future reference were preserved among the archives of the State, as sworn testimony. This record made the justice of his claim upon the State so clear in 1885 and 1889, that Investigating Committees made unanimous reports that the honor of the State was pledged to its liquidation, and such

must be the conclusion whenever the evidence is reviewed. The sinister purposes of the conspirators who suppressed the experiments to ascertain the best form of motive power; the proposition of Mr. Harvey to try the relative merits of locomotive haulage on the experimental railway, which could be done without interfering with the cable traction appliances, with which he could continue his experiments perfecting the same while locomotives were in use (see Note *a*); the offer by the syndicate of a large bribe to Mr. Harvey to induce him to betray his trust as they had theirs; the incompetency, and the perjurious record of the syndicate's agent; the method and rate at which he bought up original stock, were all established by legal evidence, while the persons implicated were cognizant of the charges, and by their silence confessed the truth of the same. All this was gained by Mr. Harvey as the result of the Legislative investigation, published as Assembly Document 23, of 1873, comprising 116 pages.

The syndicate agent was incontrovertibly exposed in a wilful perjury committed by him in his evidence before the Investigating Committee, to hinder an examination of the syndicate books (see Note *b*).

NOTES comprising portions of evidence referred to:

NOTE *a*.—

Wm. L. Wallace, the president of the corporation, being sworn, testified in part, as follows:

Q. Are you connected with the West Side Elevated Railway Company, and if so, in what capacity have you been connected? A. I am president of that company, and have been since February 5, 1870.

Q. When did that company discontinue the use of the endless cable? A. I cannot give the date without referring to the books of the company.

Q. How long was that discontinued before the dummy engine was used on the road? A. I should say six months, referring as before to the books for decision.

Jacob S. Freer, being duly sworn on behalf of the committee, testified as follows:

Q. What official position do you hold upon the Elevated railway? A. One of the commissioners appointed under the original act of 1867.

* * * * * * * *

Q. Did you have any such information unofficially; if so, when and by whom? A. I think in the fall of 1870, a certain time when the change was made, I had a conversation with Mr. Wallace on that subject. He said he was having some trouble with Mr. Harvey at the time, and *that Mr. Harvey was very anxious to have the lower half mile*, THAT THEY WERE NOT USING THEM, *to use his cable to try some experiments with.*

ALBANY, April 10, 1873.

F. J. Fithian, being duly sworn on behalf of the committee, testified as follows:

Q. When were you appointed a commissioner on the Elevated railway in Greenwich street? A. Appointed by Governor Fenton; it was in the fall of 1867.

Q. You retain the position to the present time? A. Yes, sir.

* * * * * * * *

Q. Did you have reason to consider that C. T. Harvey was opposed to the trial of dummy engines, or otherwise? A. My best recollection of it is, I, individually, was under the impression that he was willing that dummy engines should be experimented.

NOTE *a*, Continued—

Q. Did you subsequently ascertain that C. T. Harvey, at a meeting of the Board previous to the passage of the resolution put in evidence, voted for having the dummy tried, in his capacity as director? A. I subsequently saw the minutes of the company, from entries in which I so understood.

Q. So learned? A. So learned.

NOTE *b*.—

ALBANY, April 9, 1873.

James A. Cowing, sworn.

Q. You are the secretary and treasurer of this road? A. Yes, sir.

Q. Is that the subpœna that was served on you? Yes, sir, it is. (Exhibit I.)

Q. Have you here, ready to produce to this committee, agreeable to their order, the records and proceedings of the elevated railway companies of the city of New York? A. I have not.

Q. Why not? A. *They were not in my possession.*

Q. Were you not the proper custodian of them? A. *I am not aware that I am.*

Q. If you are not, who is? A. I DO NOT KNOW.

Twenty days later he was so intent on slurring Mr. Harvey that, evidently forgetting his earlier testimony, he contradicted it as follows:

ALBANY, April 29, 1873.

James A. Cowing, recalled.

Examined by Mr. Little, counsel for Tracy party:

Q. Have you examined the books and papers of the West Side Company from its organization to the time of the sheriff's sale in November, 1870; I refer to the period during which Mr. Harvey had the control of its affairs? A. *Those books and papers have been present in the office, where I could have examined them at any time in the last two years, but I have never examined them much until since the introduction of the resolution into the Assembly.*

(NOTE *b* continued to next page.)

He was bound over by the Police Justice at Albany, to answer to the Grand Jury where the crime took place, but the syndicate paid a "retainer" to the law-partner of the Prosecuting Attorney, with the result that the latter requested the jury not to proceed with the indictment, which, but for such request, it would have promptly presented in Court. Of this, one of the jury informed the writer at the time.

At first the agent's principals did not give much attention to the Legislative investigation, but before the close of the examination they had secured the attendance of most able counsel, to see that as little as possible of the truth was divulged.

When the Committee's report was made up in Committee, it was very strongly in Mr. Harvey's favor; when it was returned from the State printer, it was of another complexion altogether. An examination of the original manuscript showed that extensive alterations were made in the document and recognized in the writer's presence as being in the handwriting of one of the syndicate's counsel. The chairman of the Committee, Hon. J. McGuire, subsequently Speaker of the Assembly, made an affidavit that the printed Report was spurious. (See Senate, Document 21, 1889, page 59.) In fact, the Report bears internal evidence of this fact, as one of its concluding sentences is disjointed at the words where the spurious alterations were made, as shown in the same Document and page last quoted from. A part of the genuine report *left unprinted* reads as follows:

"It is demonstrated, and in fact conceded, that elevated railways are practicable, and a safe and expeditious mode of transit. Good faith to the projector, the public interest and the purpose of the Legislature require that the motive power to be used upon said roads should be further tested, and other experiments made upon the experimental section of this road; and such legislation should be enacted as will guarantee proper experiments to be made."

The writer was given to understand by one in a position to know the circumstances, that these surreptitious alterations alone, cost the syndicate a large sum. But this did not save their Bill, which was again defeated.

In 1874, by dint of money appliances the coveting syndicate managed to get their Bill before the Governor, then the veteran General Dix, who as Secretary of War at the outbreak of the great Rebellion, wrote the famous dispatch, "If any one attempts to haul down the American Flag, *shoot him on the spot!*"

He refused to sign the conspirators bill because of its injustice, using the following words relative thereto:

"It is by no means clear what rights in

Q. What condition are they in? A. They are in a very bad condition; very irregular and imperfect, and difficult to get out any substantial facts from them.

Q. *You made some examination of those books?* A. I HAVE WITHIN THE LAST MONTH.

At a subsequent trial in court the following evidence was given.

James A. Cowing, sworn.

By plaintiff's counsel:

Q. You were the secretary? A. I was.

Q. *You had charge of the books?* A. *Yes.*

Q. Produce the ledger and show the account between yourself and the new company?

(The witness produces it.)

* * * * * * * * *

Q. In your direct examination you say, "I was at first requested to examine the road and its financial condition, and report"—what road? A. The elevated road in Greenwich street and Ninth avenue, between the Battery and Thirtieth street.

Q. Who made the writings? A. John F. Tracy—Mr. Tracy alone; that was in the last days of March, 1871; I think it was done in the office of Marvin Brothers, or in front of the office I met him; the request was not in writing.

Q. *Did you ever make the examination of any road in reference to its physical use, structure and condition previous to this?* A. No, SIR.

Q. What was your business immediately preceding your entering upon the inspection of the financial condition of this railroad company? A. For some six or seven years before that I was in business in Wall street, as a broker and dealer of stock and gold.

Q. Were you what is known in common parlance as a "curb-stone broker"? A. What do you mean by a curb-stone broker?

Q. Just exactly what the language implies? A. I have no answer to give you.

Q. At the time, or about the time, you went into the employ of this company, or was employ of this company, or was employed by Mr. Tracy to make an examination of its affairs, what was your personal financial condition; *were you solvent at that time?* A. No, SIR

other respects were acquired by the mortgage sale of April, 1871, and while these rights are in dispute and in course of judicial investigation, I deem it unjust on the part of the Legislature to pass any act which may affect the interests of the litigants or give an advantage to either of the contesting parties."

"(Signed) JOHN A. DIX."

Thus nearly five years had gone by and the syndicate was again defeated. Not far from this time Tracy and his intimates, excepting Dows only, sold out of the perverted Trust at a decided loss. They could have made millions had they treated Harvey fairly, and dealt honestly with the original stockholders, but independent rectitude seemed to be to them like a red flag to a bull!

At the election of 1874, S. J. Tilden, a member of the New York Bar, was chosen Governor and occupied the Executive Chair January 1, 1875.

He was taken into the ring in control of the New York Elevated Company, as a subsequent newspaper correspondence between him and Cyrus W. Field indicated.

Mr. Cyrus W. Field having published a letter in the New York *Times* stating that on a joint purchase of Elevated stock between himself and the Governor, "he, (the latter), has got his $1,000,000 (*of profits*) in his pocket." The then ex-Governor (Tilden), responded in the same newspaper.

"As to Mr. Field coming to me and talking me into the concern, as he states, I CAN SAY THAT TWO-THIRDS OF MY STOCK I ACQUIRED BY DIRECT SUBSCRIPTION FROM THE COMPANY AND THE REMAINING ONE-THIRD WAS THE ORIGINAL PURCHASE MADE IN JUNE, 1877, BY MR. FIELD."

The executive approval of the Bill to confirm the syndicate robbery (Chapter 595 of Laws of 1875), will be more fully noticed elsewhere but the methods that were used to secure its passage are indicated by sundry newspaper paragraphs published at the time, reading as follows:

FROM THE N. Y. WORLD, JULY 10, 1875.

"It is an eternal disgrace to the State of New York that such dishonest practices are allowed to continue. Members are bought up on these 'BILLS' as you would buy a pound of beef. They have become so bold that they made no secret of it. The bill known as the Greenwich Street Elevated Railroad bill was passed by the promise of $100 each for 65 votes in the Assembly. A noted lobbyist, formerly a public printer, held the stakes ($10,000) to pay Barber when the bill became a law. The same man held the money last year for the same thing."

FROM THE N. Y. TRIBUNE, 1876.

"During the session of 1875 a bill passed the Assembly conferring certain privileges on the Greenwich Elevated Railroad Co., of New York. After a time it was considered and passed (in the Senate). There is reason for believing that the railroad company paid $10,000 to bring about this result. Well defined rumors of the kind generally believed, which no man can substantiate, make Senator ———, share $2,500, three other Senators being said to share the $10,000 with him."

If it were intended to make this a sensational volume, the writer could add statements to those given above, (the authorship of which is to him unknown,) which would show that the sums paid for votes were largely in excess of those indicated; but what present service would such revelation promote?

That the legislation which committed the State to a confirmation of the robbery of the pioneers of the Elevated system and of its projector was only obtained by bribery, is a fact accepted as beyond dispute by all those who are correctly informed. With these general remarks this sensational topic will be dismissed from further notice.

THE PROMOTER'S PERSONAL RISKS.

When, in 1870, Mr. Harvey discovered the drift of the syndicate's policy to compel him to surrender his integrity or his official position, he deemed it wise to have his financial accounts, amounting in the aggregate to nearly a million of dollars, audited in proper form.

A Committee of the Board was designated for the purpose and having duly examined his accounts and vouchers, certified them as correct, and on striking the balance, found several thousand dollars due to him from the Company. In part payment the Board authorized the delivery

to him of certain of the Company bonds, deducting which there yet remained a balance due him. Subsequently, however, after he was ousted from the management and had foiled the "syndicate" in its legislative plans, a meeting of the "ring" directors was called to consider retaliatory measures. The opinion prevailed that if a plausible charge of financial delinquency was made against him, it would be the most effective method of destroying his reputation and influence. Their agent, —he who was implicated in the perjury in regard to the books, to prevent the examination of the same in a legislative investigation (see page 82) at Albany—was directed to go over Mr. Harvey's accounts and discover delinquencies. In due time he reported that the projector's accounts (being the same that the Committee of the Board had already audited), were not correct.

Then the Directors caused publication to be made that Mr. Harvey having been found deficient in settlements of his accounts, legal proceedings were to be taken against him. The question then arose whether to arrest and imprison him in Ludlow Street jail (as was successfully accomplished in the case of Editor Bowles in the days of the Gould-Tweed-Field confederation, see page 12).

It was subsequently learned through one of their office employees, that the only deterrent was their own audit! Some of them were, however, so strongly in favor of the "jailing plan" and so widely predicted its adoption, that the business partner of one of the Board stopped Mr. Harvey in the street to enquire with evident surprise, when he was released from jail! This startling remark, of course, fixed his attention, and he soon learned the full particulars of his danger and of the Company's libelous publication.

He at once commenced suit for the balance due, as shown on the Company books. To this the Company opposed dilatory motions, but when the matter was eventually brought to trial, there being no defence worthy of mention, although long hearings before Ex-Judge Nelson as Referee, were had, and some of the most able and expensive lawyers of the New York Bar were employed by the syndicate to badger and cross-question Mr. Harvey when a witness in the case, judgment was obtained against the company for $1,359.92 as the balance due to Mr. Harvey with interest from the date of audit.

At this juncture, David Dudley Field appeared upon the scene as the legal Hercules of the Elevated Railways, (the very undertaking Tweed and himself had before sought to destroy by a repeal of its charter). He appealed to the "General Term" and here an example of his adroitness in using the law to prevent justice, occurred.

The plaintiff having applied to the acting Treasurer of the Company for a statement of his account, received a document showing the balance as sued for. The complaint averred this to be an "account stated." Field contended that it was not an "account stated" but an "account rendered."

On this question he made seventeen points of which the following are specimens.

"(2d.) This was not a transaction be-
"tween the parties. It did not rise to the
"dignity of a transaction at all. What
"was done was between the plaintiff and
"the secretary and assistant treasurer of
"the company (in furnishing a statement
"of the account of the company books).

"(3d.) The secretary had no right to
"bind the defendant; there is nothing to
"show that they authorized him to act at
"all, or that he did act in any official ca-
"pacity.

"(4th.) It was the plaintiff's duty to
"prove the secretary's authority if he
"had any.

"(6th.) The plaintiff being a director
"(at the time the statement of account
"was furnished him,) could not manu-
"facture an account stated by ordering a
"subordinate officer to copy some items
"from the books for him. The paper has
"no greater weight or force than it would
"have if the plaintiff copied it himself.

"(7th.) The authority of the treasurer
"could in no case go farther than giving
"a copy of the items. He had no right to
"strike a balance."

The General Term decided that the exceptions were well taken and ordered the case to be retried, "*costs to abide the event.*"

Mr. Harvey had already paid 20 per cent. additional to the claim in advancing the money necessary under court rules to enter the first judgment after trial, and he declined to permit Field to lead him through the latter's usual round of retrials and appeals, until the legal costs and counsel fees should in any event exceed the claim ; *a retrial has never taken place.*

But this peculiar system of legal injustice was not even then closed. The bonds which Mr. Harvey had already taken to reduce the account, (see pages 84–5) the new Company subsequently ignored and refused to pay ; its agent finally, however, offering in settlement some 20 or 30 per cent. without interest. Mr. Harvey commenced suit and obtained an injunction in the name of a third party. Just before trial David Dudley Field called upon his lawyer and offered par without interest. This was refused. He then stepped into Court, and before Judge Lawrence on the Supreme Court Bench, read an affidavit from the same agent detected in perjury at Albany, charging that one Charles T. Harvey, a former agent of the Company, an embezzler for a large amount, had obtained the bonds in question by fraud and deceit, and if the Court would allow the matter to go to a reference the defendant would undertake to prove such facts, and that the suit was really in the interest of said Harvey, the aforesaid embezzler. Judge Lawrence at once denied the motion. Then Mr. Field went directly from the Court to his office and immediately sent his check to Mr. Harvey's counsel for the bonds at par and interest. (The injunction preventing the usual round of appeals being taken.)

But had Judge George C. Barnard presided instead of Judge Lawrence, Mr. Field would no doubt have secured his order of reference, and Mr. Harvey having lost the value of his bonds, would probably have suffered beside a farther infliction of a heavy bill of costs !

From these examples the reader can infer somewhat the courage required and the risk incurred by the promoter of the Elevated Railway system of New York City:* Also in standing for official integrity in trusts, and for individual rights, against a powerful and dangerous combinations of sinister adepts in chicanery, as the moving spirits in "The Most Notable Robbery of Modern Times."

Chapter X.

State, Obligations Assumed, Repudiated, Re-affirmed.

The reader has already learned in former pages of the dire distress of the Metropolis for the want of an improved transit system; of the State taking up the subject by special Commission and advertising for plans ; of the selection of those of Charles T. Harvey, and the authorizing of a trial at the inventor's and his associates' risk and expense, under the restriction that a cable traction only should be used ; of the acceptance of the same by the State, and proclamation of the fact by the Governor, when the law of 1867 became of permanent applicability, and which, as enlarged by a supplementary law of 1868, remained unchanged upon the statue books for over seven years.

At this point the following obligations of the State were assumed :

First.—That a fund of five per cent. of the net earnings of the railway therein accepted (*i. e.*, with cable traction power) should be reserved in the custody of the

*The writer could add some thrilling incidents in another line of experience of the original promoter of Elevated railways in New York City, occurring in connection with an organized effort by certain City officials to levy "black mail" out of the enterprize. The schemers were beaten in a contest extending over several months of time and mainly waged in Police Courts and Departmental Offices.

Mr. Harvey's friends deemed him in danger of personal harm at one period of the conflict and took measures to have him guarded from threatened attack. Space will not be taken for mention in that regard in these pages but may be added n an appendix.

City comptroller, subject only to disbursement by a Board of Commissioners, a majority of whom were appointed by the State Executive. The object of this fund was declared to be the improvement of the appearance and condition of streets and avenues through which the experimental elevated railway was to pass. (The reader will see in subsequent pages that this fund has become a prominent factor in the relations of the State to the projector.)

SECOND.—The law of 1867 restricted the railway to the use of cable power solely, while the supplementary act of 1868 permitted the form of motor in use upon the railway, to be changed, *but only after "due experiment" had been made.* The State, therefore, assumed the obligation to cause these stipulations of its laws to be complied with. Upon the faith that the State would govern and be governed by the same, Mr. Harvey expended the funds ($206,611.70) required to make the experiment, and upon acceptance by the State, proceeded to extend the new system of transit. In 1870, his plans as to the motive power and experiments relating thereto were unjustly suppressed by force from motives foreign to public welfare and policy, and locomotive power substituted *without the "due experiments" required by law.*

In 1873 he appeared before the Legislature and, protesting against this usurpation, demanded an investigation. The Committee making the same, reported that good faith to him and the honor of the State required that his as the "due experiments" should be resumed and completed. By bribery and corruption this report was suppressed, a spurious copy palmed upon the public, and the usurpation was maintained. In the meantime a fradulent and collusive foreclosure of the first mortgage upon the property was being consummated by the same persons, while the State failed to enforce its own laws respecting the motive power.

In 1875 the State passed a law confirming a change of motive power, though made without "due experiments"; also expressly confirming the possession by the supplanting corporation of the experimental railway franchise, structure and routes under the fradulent foreclosure and vesting all rights of extension of routes in it;—(see Chapter 595,) but without providing compensation therefor either to the projector or his associates. That the law was secured by bribery did not alter its effect in the statute book, nor the State's responsibility under it.

But the question of the validity of the collusive forclosure which the State expressly confirmed, came before the Courts, which from the first to the last, by unanimous decisions pronounced the foreclosure proceedings illegal.

The language of the highest—the Court of Appeals—was in the suit of Frederick P. James against the New York Elevated Railroad Company as follows:

"His (the syndicate's wrecking-agent, Cowing's) next step, however, was a violation of the provisions of the mortgage. * * * *He advertised the property for sale at public auction, and for the sum of one hundred thousand dollars, being the highest bid at the sale, conveyed it to the New York Elevated Railroad Company. This he had no right to do.* * * * *He had no right to sell at all.* * * * *It is enough to say that such corporation in no sense answered the requirements of the mortgage or the purpose of the trust.* * * * A witness (C. T. Harvey), who was the original projector of this railway, who was its first manager and engineer, under whose direction the road was built, and who claims to know the value of such property, testifies that it was worth $950,000. On cross-examination he gave the details of its cost, and shows a great familiarity with the subject. * * * There was no error in the amount of damages awarded."

(which was $29,747.55 instead of $2,682.90 which the wreckers had awarded the plaintiff as his proportion of the sale of his property.)

Thus the State had given all value in the rights of extension to a purloining Company, when confirming its possession held under illegal title. In so doing it had confiscated the projector's original property interest without consideration or compensation.

Attention will now be directed to the fund provided by the Laws of 1867–8, as mentioned upon page 86. From year to

year it had gradually grown until in October, 1883, there was $132,178.34 on deposit, with no payments made from it, and it was increasing at the rate of over $20,000 per annum under the following circumstances.

FIRST.—It was derived from the original experimental railway and extensions of the same, and was therefore revenue owing its origin to Mr. Harvey's original investment upon invitation by the State.

SECOND.—It was only applicable to a traction-cable system of railway such as was originally intended, and as existed when the law took effect.

THIRD.—It was evidently applicable only to a single track railway upon the curb-stone lines, according to Mr. Harvey's orginal plans.

FOURTH.—A return from the locomotive to traction cables would do more to improve the condition and appearance of the streets occupied by elevated railways than any other change that could be proposed.

While the aforesaid fund was increasing without benefit to any one, Mr. Harvey was continuing his studies at irregular intervals and gradually arriving at results proving his original ideas as to the best form of motors for elevated railways, to be correct.

He determined to apply to the State for a transfer to him of the fund on the ground both of justice and of expediency.

He took the preliminary steps in 1882–3, and sent a petition to the Senate of 1884, which was referred to the Committee upon Grievances, which reported in his favor as follows:

"FIRST.—That the said Charles T. Harvey, as the original projector, promoter and constructor of the pioneer experimental line of elevated railway in the city of New York, is entitled to special recognition and consideration from that fact, as he became such at the special invitation of the Senate through its commission, created in 1866.

"SECOND.—The allegations of Mr. Harvey that his original experiments were illegally interrupted and suppressed seem to be sustained by the evidence submitted, and *the honor of the State and the public interest in the case evidently require such rectification of this injustice as present circumstances may permit.*

"FREDERICK S. GIBBS,
"J. SLOAT FASSETT,
"*Majority of Committee.*"

It submitted a form of a joint resolution to give the report effect; but this was not conclusively acted upon before final adjournment.

In 1885 his petition was renewed, and the Senate of that year referred the matter to the Railroad Committee with instructions to make a special examination into the whole subject.

It so happened that a member of that Committee was a member of the State Commission which in 1866–7, invited, selected and recommended Mr. Harvey's plans. This person was Ex-Judge Low, whose likeness is here appended.

SENATOR HENRY R. LOW.

He was very appropriately made Chairman of the Sub-Committee to whom the duty of investigation was committed. In due time a special report was rendered and ordered to be printed as Senate Dec. 45; this document as a vindication of Mr. Harvey, and as an acknowledgement of the moral obligation of the State to see him liberally and promptly compensated, was complete and unanswerable. The entire report of 26 pages will be found most interesting, but the following extracts only will be presented here, as follows:

"Meantime the railway was not materially extended for a period of five years or more. The projector was not allowed for an hour to continue or perfect the cable experiments as the law required, although he offered to do so at his own expense and in such a way as not to interfere with the use of locomotives upon the track. He was also ready to assent to locomotives as a finality, if his experiments did not ultimately demonstrate that the cable power was superior to any other in all respects. The only response to this was the total removal of the necessary machinery, which ended that feature of the case. The evidence further proved that while the railway lay idle he labored to prevent it from being legislated out of existence, for nonuse as attempted by the rival 'viaduct' interests, and referred to in Exhibit J.

"After some two years consumed in incubating the foreclosure preceedings and the transfer of the property from one company to the other, the syndicate applied to the Legislature to legalize and confirm their foreclosure sale, and the projector appeared and protested against the same, both on the ground of the illegality of the suppression of the engineering experiments, and also of the injustice of the financial programme. After three years of agitation of the subject, the Legislature, by the passage of chapter 595 of the Laws of 1875, *confirmed* the foreclosure proceedings and granted all rights of extension to the said new company. This was fatal to the interests of the projector, because the limit of time accorded by law to the original company to extend its line had already expired while the syndicate was throttling it and the act of the legislature conferring the right of extension to its successor took away all the value of the original project, as existing in such extensions, and not in the isolated experimental or illustrative section.

The Court of Appeals, some six years later, by a decision, indicated in the appendix (Exhibit C), as before mentioned, *unanimously decided that the foreclosure proceedings were illegal*, but that the transfer of the right of extension was by the law vested in the new corporation fully and irrevocably.

It may be said that many of the circumstances connected with this case were not made known to the Legislature of 1875, or to the public, or to the opponents even, until disclosed upon proceedings in court at a later period. Such, for instance, as the actual execution of a written agreement by trustees acting in dual and incompatible capacities, binding themselves to violate a trust for their individual benefit. That the people of the State of New York would advisedly permit laws to be enacted to confirm such proceedings is an idea too preposterous to admit of supposition or argument.

"But the fact remains, that the statute books of the State, and the records of the Senate show that in this case one or both branches of the Legislature invited Charles T. Harvey, the projector of the elevated railway system of New York City, to submit plans to a commission selected by them, induced him to invest large sums in an illustrative demonstration of the same, at the sole risk and cost of himself and associates, under stringent conditions, *in consideration of the right of extension in case of success;* accepted the performance on his part as satisfactory, with the vested rights mentioned in the law, but later on confirmed the acts of derelict trustees in violating the law, against his protest, granting to them the right of extension which was of great value, and which was pledged to him at the very outset.

"Such are the premises set forth with unusual cumulation of detailed evidence, which led the Committtee on Grievances to report that '*the honor of the State evidently requires such rectification of this injustice, as present circumstances may permit.*' *In this conclusion the present committee fully concur.*

"The injustice referred to evidently reaches in two directions. One is the monetary loss, caused by statutory transfer of vested rights without compensation. The other is the diminishing of personal and professional prestige and reputation by entailing the discredit of a seeming for alleged failure by invidious acts or measures when and where the elements existed for a preëminent success.

In the first instance Mr. Harvey's proportion of the stock issues was fixed at one-fifth, and the general financial programme he inaugurated was followed in the interim. All the extensions made by the corporate successors to his interest, it is understood, have been built from the proceeds of the sale of bonds at certain rates per mile, leaving the stock as a clear profit. At the date of the report of the Committee on Grievances the stock issue then stood at $6,500,000, quoted in the market at above par. Since then, by consolidation with the leasehold corporation, known as the Manhattan Railway Company, the quota of stock based upon the same extensions has been doubled, and now stands at about $13,000,000, with a market value of about seventy-five per cent. This indicates a cash value of somewhat over $10,000,000, of which Mr. Harvey's proportion would be $2,000,000 beside accrued dividends, and which would legally, as well as equitably, belong to him but for the effects of ill-advised and

unjustifiable legislation respecting the foreclosure and rights of extension existing upon the statute book for a full decade.

The measure of loss in engineering prestige and reputation involved is not so easily estimated. His claim of being the first engineer to propose the use of serial cable traction for railway purposes is not disputed, so far as this committee is aware. He exhibited to the special commission of the Senate, in 1866, a full-sized working model of a cable placed in a tube and having a clutch for attaching a railway car thereto, working through a narrow aperture or slot in the upper side of such tube. This, if your committee is rightly informed, is the main feature of what is known as the San Francisco plan now sought to be introduced from thence to New York City

Mr. Harvey's original theory of construction has evidently been essentially followed in all the subsequent elevated railway structures in the city of New York, but an illustration of his chosen motive power under the best possible conditions must be afforded before a final verdict as to the merits of his entire plans in this connection can be intelligently rendered.

With this review of the history of this case your committee proceed to consider what practicable means of redress of conceded grievances are now available.

(Here follows a review of the points of the Laws of 1857-8 previously herein noted. The report then continues :)

Under these circumstances your committee do not see how the Legislature can, with propriety and good faith, do less than to place the fund at the disposal of the engineer to whom it owes its existence and who alone, so far as known, can apply it to the uses for which it was intended, and thus some amends be made for the glaring injustice to which he has been subjected for a long series of years. With these results in view the investigating sub-committee has prepared a bill to report in this connection and unanimously recommend its passage.

* * * * * * * *

SENATE CHAMBER, April 7, 1885.

H. R. LOW,
CHARLES S. BAKER,
G. W. PLUNKITT,
Sub-committee, etc.

The Bill as reported by the Committee, duly passed both Houses and went to the Governor. Then came a pressure for a veto in the Executive Chamber.

The City Authorities moved him most persistently for a veto—"As well," said the Mayor (Grace) "might the State vote to Mr. Harvey the City Hall for a residence and Cenral Park for a farm!" The reporters and "penny-a-liners" of the Press could save time by denouncing the law as "a job" instead of examining into its merits.

Against these was an open letter from six most distinguished Engineers as referred to by the Executive on the next page in which the following sentences occur.

"The Mr. Harvey named in this Bill was the first engineer to attempt the [cable motor] problem in this country, and it is to be deplored that he has been prevented from completing his experiments."

"The undersigned deem it proper to assure your Excellency that the attainment of the object in view is a matter of great moment and well worthy of all the aid proposed from the fund so appropriately applicable to the purpose." * * * *

There was living at this time one of the most eminent Governors who had ever sat in the Gubernatorial Chair. One who at the outbreak of the great rebellion was known as among the most efficienct of the "War Governors :" it was he who sent a special message urging the Legislature to maintain the honor of the State by paying in gold the interest on its bonded debt, although the National "legal tender" notes could be used and a discount of from 33 to 67 per cent. realized over gold values. The Legislature, although of a different political complexion sustained his views of a high governmental standard of right. He was afterward nominated by one of the great political parties to become its standard-bearer in the contest for the Presidency in 1872. His attention was called to the fact that the honor of the State he prized so highly was involved in causing justice to be done to Mr. Harvey and he wrote an autograph letter to be shown to and filed with the Governor, which contained the following sentences :

Utica, N. Y., May 28, 1885.

* * * * * * * *

"The report No. 45 of the Senate at its last session presents the case in strong and clear terms. . . *I think no one can read these reports without feeling that the honor of the State demands that compensation be made.* With my understandihg of the facts I hope the Governor will sign the Bill. HORATIO SEYMOUR."

EX-GOVERNOR SEYMOUR.

David B. Hill was at this time Governor. From recently being an obscure Editor and Lawyer in an interior city, with one or two session's experience as a Legislative Assemblyman, by a freak of political chances he secured the nomination, and was afterward duly elected Lieutenant Governor, and in order of succession occupied the Executive Chair to fill a vacancy caused by the resignation of its elected incumbent.

Coming thus fresh from the ranks of the people, he naturally sympathized with industrial workers, rather than political plotters, and to the latter's surprise signed the Bill before him, giving reasons in part as follows:

MEMORANDUM OF REASONS FOR GUBERNATORIAL APPROVAL.

EXECUTIVE CHAMBER, June 13, 1885.

The approval of this bill is asked for by ex-Governor Horatio Seymour and also by the following gentlemen who have an established reputation in the profession of civil engineering, namely; Thomas C. Clark, Washington A. Roebling, S. H. Sweet, Charles H. Haswell, Egbert L. Viele, Alfred P. Boller and many others.

"From papers on file with this bill, and from the report of the Legislative Committee of this year, it seems that Charles T. Harvey many years since was, if not the originator of the method which seemed to solve the long mooted and important question of rapid transit, at least perfected a plan that was afterward of great utility, and in a large measure assisted in giving the present rapid transit facilities to New York City. The moneys directed to be disbursed under this bill belong to a special fund accumulated by payments made by the elevated railroads of that city in pursuance of the original act authorizing their construction, by which act the use of said fund was limited to certain purposes."

* * * * * * * *

"I am informed it has not been found necessary to expend a dollar of this fund for the purposes contemplated, it seems probable that none of it will ever be to any extent needed therefor. The purpose of this bill is to provide means whereby Mr. Harvey can further develop his plans for rapid transit, which, it is claimed, he has already brought to great perfection, and the approval is urged for that reason and further as a matter of justice to one who has been so largely instrumental in giving to that city its present system."

* * * * * * * *

"It seems to me that there is great force in these reasons. It is universally admitted that increased facilities for rapid transit are imperatively demanded in New York. Personal observation of the means now afforded and considerable study and attention given to this subject have convinced me of the inability of the system

GOVERNOR HILL.

in its present condition to give the relief needed. Some careful legislation in the interests of the people in the direction indicated is undoubtedly demanded. In the meantime it appears entirely proper that a fund, coming as this does from the income or earnings of the system itself, should be used in its further development *and in doing justice to Mr. Harvey,* ESPECIALLY AS IT DOES NOT COST THE TAXPAYERS OF NEW YORK A SINGLE DOLLAR. In the hope that this measure will aid in supplying a conceded want to New York city, and because of the high personal and professional character of the gentlemen familiar with the subject recommending this legislation, I have concluded to approve the bill." DAVID B. HILL.

The nature of the Law thus placed upon the Statute book is indicated in the following sentences from the principal section.

Extracts from the Law.

STATE OF NEW YORK,
LAWS OF 1885.

CHAPTER 554.

An Act to amend chapter eight hundred and fifty-five of the laws of eighteen hundred and sixty-eight.

* * * * * * * *

"SEC. 2.—To this end a new illustrative section of said form of railway shall be erected on some duly authorized street in said city, to replace the experimental section referred to in the first section of this act and subsequently removed, and to enable the resumption and completion of the experiments required in said section, to ascertain the best form of motor as therein contemplated, and the expenses incident thereto shall be paid from said fund, as hereinafter provided. Said new illustrative section shall be not less than one-fourth of a mile in length and shall be provided with serial traction cables, and testing cars of full working size, and shall conform to the regulations as to structure and motive power as provided in the act to which this act is supplementary. SAID SECTION SHALL BE CONSTRUCTED AND THE SAID EXPERIMENTS CONDUCTED ON THE PLANS AND UNDER THE DIRECTION OF CHARLES T. HARVEY, THE ENGINEER IN CHARGE OF CONSTRUCTING THE FIRST EXPERIMENTAL SECTION HEREINBEFORE MENTIONED.

"The Comptroller of the City of New York is hereby authorized and directed to pay a sum equal to one-third of the amount of said fund now on deposit with him, or in his custody, forthwith to the order of said engineer for the purpose of defraying the expenses of experiments as to said motive power now in progress, and for making surveys and other preparations for building said section. Also a like amount from said fund payable to the same order, as the work upon said section progresses, and to insure its completion, equipment and inspection as herein specified, there shall be filed with said Comptroller prior to the payments hereinbefore authorized, a bond in the sum of one hundred thousand dollars, with good and sufficient sureties to be approved by the Chief Justice of the Court of Common Pleas in said City, conditioned upon the faithful performance of the construction work herein provided for. Upon the completion of said section the said constructing engineer shall notify the Governor, the State Engineer and the Mayor of said City, who shall severally designate one engineer to compose a Board of three inspecting engineers, who shall under their direction proceed to inspect, test and report upon the features of said illustrative section and of the operating merits of its motive power. A copy of said report shall be filed with said Comptroller, with the indorsement thereon, of the several opinions of the Governor, State Engineer and Mayor aforesaid, as to the comparative merits of the illustration so made, and in case they, or a majority of them, shall therein certify that in their judgment the said new illustrative section has demonstrated or developed material improvements in the methods of constructing or operating elevated railroads in said City, as compared with the forms or motive power of those then in use therein, and as tending to improve the appearance or condition of the streets or avenues herein specified, the said Comptroller shall pay to the order of the said constructing engineer the amounts remaining in or accruing to said fund, until the Legislature shall otherwise direct, as compensation to him for services rendered, and to enable him to continue said experiments toward attaining the highest possible perfection for the designs of such railways, and of benefiting the appearance and condition of the streets and avenues of said City in connection therewith."

The scope of this statute it will be seen was simply to furnish Mr. Harvey with facilities for completing the motive power experiments equal to those illegally suppressed. Even the restitution of the first outlay was therein staked upon the success of the second trial. *To realize any personal benefit "material improvement" over the best method then in use must be first shown.*

The reader will readily perceive that *in view of such result as highly beneficial to the City and especially to large numbers of its realty owners, it could have well afforded to add a handsome bonus to stimulate success in accordance with this law.*

CHAPTER XI.

The Courts Again Used To Defeat Justice.

The passage of the act last mentioned, rendered it a possible subject of attack in the Courts, and its tendency to promote justice was conducive to the use of David Dudley Field's legal lasso. His old lines of tactics were under these circumstances quickly brought into action, and an alliance formed between the transit interests represented by himself, and the Municipal Law and Finance Departments, by which his whilom junior partner, Robert E. Deyo, was appointed to appear at Court as associate counsel in behalf of the City, and as will be noted elsewhere, drew liberal payment for such services (see page 112) out of the fund which the Law directed should be used to re-imburse Mr. Harvey!

Thus, after about twelve years of retirement, Field was again in full communion with City officials, as in the days of Tweed. Then his clients were striving to crush out the elevated system and to bribe Mr. Harvey's agent to betray it, as mentioned on page 80. A few years later and he was enjoying fat professional revenues from that system, while actually plotting to deprive its author of any benefit from the labors which brought it into existence and preserved it in 1871, from his clients' attacks! What a somersault!! And what a record to be actually realized in the self-same City!!!

When Mr. Harvey presented his bond for $100,000 to the City Comptroller (E. V. Loew) with sureties approved by the Chief Justice, as required by law, and demanded the sum assigned to him by State authority, its payment was refused. The only course then remaining was to apply for a mandamus, requiring that defiant official to obey the Law.

Upon a hearing in the Supreme Court, where David Dudley Field was presumably represented among the counsel in opposition, that writ was refused, January 8th, 1886, in the following words:

SUPREME COURT.

FIRST JUDICIARY DISTRICT.

"DONOHUE, J. The applicant asks a mandamus to compel the comptroller to pay him a large sum of money to experiment with. The only statement of what he has done or is authorized to do or his right to any street is that he has filed a certain bond. He nowhere avers or makes proof that he is doing or about to do or is willing or authorized to do the work referred to or has a permit to do it. For this reason the motion must be denied."

The next legal proceeding was to appeal to the "General Term," a Court composed of three Judges.

The result was a decision rendered March 9th, 1886, confirming the decision of the single Judge, but criticising it as follows:—

"These grounds, we think, are altogether too narrow to uphold the order denying the writ, because the language of the act is very explicit that the sum named shall be paid to Mr. Harvey forthwith, *for the purpose of defraying the expenses, as to said motive power now in progress, and for making surveys and other preparations for building said section.* * * *

"The power of the Legislature under the Constitution, to authorize by general laws the construction of railroads in the streets of the city of New York for the purpose of public travel and traffic, need not be discussed, for it is manifest that it is not the purpose of this act to construct such a railroad.

"The construction of a railroad not less than a quarter of a mile in length, to be constructed under its provisions, is not authorized or intended for any purpose of public travel or traffic.

"It is a purely experimental section of railroad for the purpose of testing the qualities of motors * * * although it is devoted to mere illustrative experiments, nevertheless it is conferring a franchise or right upon a private individual, by a local and private act of the Legislature and not under the general law of the State. Such a privilege is one not sanctioned but condemned by the Constitution of the State; and though the court knows no reason to doubt that good results might follow from the carrying out of the provisions of this act in some part of the city where private

citizens might be little injured, yet we cannot say that the power exists to confer such privilege upon any city or corporate body, under the restraint imposed on the Legislature by the Constitution of the State.

"The order should be affirmed, *but without costs.*"

The next and final step was to carry the case to the seven Judges constituting the Court of Appeals. Its decision is indicated by the following extracts:

PEOPLE EX REL. HARVEY, Appellant,
AGAINST
E. V. LOEW, COMPTROLLER CITY OF NEW YORK, Respondent.

June 1, 1886.

—"The legislation upon which the claim of the relator is founded discloses very questionable and peculiar characteristics. He is authorized to build an experimental section of Elevated Railway not less than one quarter of a mile in length, upon some duly authorized street in the City, with a view of inventing or discovering improvements in the system which, if adopted, will make the existing structures less offensive or inconvenient. The law does not say to whom the improvements shall belong, nor even that they shall be introduced on any existing or future Elevated Railway, and the result of the whole enterprise, as planned by the statute, will only be that the City and the State will learn that some things in mechanical engineering can, or cannot, be successfully accomplished. Of course, the relator did not propose to thus educate himself and the city—himself by experiments and the city by results—at his own expense or without compensation; and the mode of accomplishing that is as unusual and peculiar as the enterprise to be paid for." * * *

"The enactment violates section eighteen of article third of the Constitution, which prohibits the passing of '*a local or private bill granting to any corporation, association or individual the right to lay down railroad tracks.*' The relator, or if he be treated as a mere agent, the municipality itself, is authorized by a bill which is certainly "local" if not "private," to build an Elevated Railroad in some street of the city. It is not a sufficient answer to say that the track thus to be "laid down" is merely experimental and temporary, for the language of the fundamental law is purposely very broad, and draws no such distinction.

"The relator perhaps intended to organize a new corporation to help to build his 'illustrative section,' and then own and run it. Although the statute is innocent of any such expressed purpose. * * *

"For these reasons, without considering others which have been suggested, we are of the opinion that the act under which the relator claims is invalid. *The judgment must be affirmed* WITH COSTS."

The kindly expression of the "General Term" decision it will be noticed is in marked contrast with that of the Court of Appeals, and that whereas the three Judges remitted costs, the seven imposed them with a decided air of severity, as a penalty upon the appellant.

The peculiar "tone" pervading the language of the final decision readily suggests promptings from the Mephistopheles of the litigations narrated in these pages; who aforetime had so deftly moved the Court to sit in robes of office (see page 17).

Twenty years had rolled by since 1866, when Mr. Harvey was laughed to scorn in the Court room of Judge Barnard, (see page 76), for what he proposed to do. Now, in 1886, half a million of people were daily "riding in the air" by the very means which then met with the sarcastic and derisive comments of the Court. Seven thousand lives and two hundred thousand cases of sickness—then authoritively certified as the annual losses to the residents of the Metropolis from enforced over-crowding—were being saved, as the direct results of the appellant's efforts, not to speak of comforts, and wealth, multiplied in myriad forms to all dwelling in, or coming within the circle of the great City. The battles, the risks, the losses, the misrepresentations, the contumely that had in the meantime beset his pathway, as faintly depicted in this volume, had been met with a firm front, and the State had, after exhaustive investigations, taken action in the line not of reward, but of reparation, with the only result that the legal recompense was curtly and finally invalidated in Court with such caustic comments as:

"Of course the relator did not propose "to thus educate himself or the city. * " * * at his own expense. * * * * "*The judgment* MUST BE *affirmed with "costs.*"

The Sheriff of the City of New York was duly furnished with a warrant to collect costs for its benefit, from its great benefactor; these were paid, and the following is a fac-simile of the receipt therefor:

AGAINST WHOM	IN WHOSE FAVOR
Harvey Charles F. Relt & Appellt	Edward V. Loew the Comptroller of the City of New York. Respdt

Where Docketed	When Docketed	Term	Transcript Filed	Book	Page	AMOUNT Debt	AMOUNT Costs	Attorney	When Satisfied
New York Supreme	1886 June 16		1886 June 16				$11.69		July 9th 1886

COUNTY CLERK'S OFFICE, CITY AND COUNTY OF NEW YORK, } ss.

I, JAMES A. FLACK, Clerk of the City and County of New York, certify that the above is a true and correct extract from the Docket of Judgments kept in my office

And I also certify that the above judgment [illegible]

In Testimony Whereof, I have hereunto set my name and affixed my official seal this [illegible] day of July 1886

CLERK.

In the light of all the attendant circumstances it is submitted to the reader as the most infamous document of its kind to be found in the legal records of any civilized municipality or State, and as affording an indubitable mark by which to identify THE MOST NOTABLE ROBBERY OF MODERN TIMES.

CHAPTER XII.

Municipal Perversity.

The Court of Appeals' decision of 1886, invalidating the law of 1885 before mentioned, was decisive only as to that form of enactmant. Whether some other form could be adopted, which might successfully pass judicial scrutiny and yet secure the measure of justice proposed, was an open question which could only be decided by actual experiment. Hence the friends of Mr. Harvey advised him to secure eminent legal counsel, and under such guidance to again try to obtain an act which would prove effective.

He accordingly retained the late Roscoe Conkling, whose legal abilities placed him in the first rank of eminent lawyers, and a Bill approved by him was introduced into the Legislature in 1887.

The municipal authorities of New York meanwhile bestirred themselves to forestall his efforts, by introducing a Bill to merge the experimental-railway fund with the corporation monies lying in the City treasury, and thus to render useless forever Mr. Harvey's claims. In connection with the City's Bill, there took place a public debate which was printed at the time by order of the Committee, a copy of which having been preserved, I conclude to reprint the speeches entire as follows:

IN ASSEMBLY COMMITTEE ON CITIES.

8.30 P. M., MARCH 17, 1887.

THE COMMITTEE HAVING MET AT THE CAPITOL, ALL THE MEMBERS BEING PRESENT, THE CHAIRMAN ANNOUNCED THAT ASSEMBLY BILL NO. 217 WOULD BE TAKEN UP FOR CONSIDERATION IN PRINTED FORM, AS FOLLOWS:

AN ACT

To amend Chapter 855 of Laws of 1868, etc., (the Experimental Railway Act).

The main provisions were comprised in the following sections:

§ 3. All moneys heretofore paid to said Comptroller in pursuance of said statute, and deposited in the city treasury, shall be transferred to the credit of the general fund of said city, to be applied to the reduction of taxation.

§ 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Upon invitation from the Chairman, parties in interest then addressed the Committee substantially as follows:

Mr. Scott, Assistant Corporation Counsel for New York City, said: This bill was presented on behalf of the city to enable it to utilize a certain fund which was accumulating in the City Treasury from the payments made by the Elevated Railroads under the laws originally authorizing the same. The fund had been known as the "Greenwich Street Elevated Railroad Fund," because that it was in connection with that line of railway that the fund was started. Lately it had been styled the "Harvey Fund," because the Legislature of 1885 undertook, by Chapter 554 of the Laws of that year, to turn it over to Mr. Harvey—whom the speaker saw was here present—to allow him to expend it to suit himself. But the city had declined to pay, and had carried the case to the Court of Appeals, which had decided the law to be invalid, and hence the fund remained unused as before. No bill had been introduced, the speaker believed, to replace the invalidated act in the interest of Mr. Harvey, and as there was no practical and legal way of utilizing the funds, now amounting to over $180,000, the city asked, in this bill, that the funds might be turned over into its general treasury instead of being kept for use in improving certain streets, as the law now requires, for which purpose it never had been and probably never would be applied. As long as it remained as a special fund in the treasury it would attract grabbers, as it had done before, and the best way was to remove the temptation.

The speaker had met Mr. Harvey before, when this subject was being considered by the Senate Committee in 1885. He then claimed to have a grievance in connection with this fund, about which the State had not used him fairly. This the speaker was not proposing to affirm or deny, but to say that even if he was badly treated it had been done by the State and not by the city. The city was not responsible to him because it did not make the laws of which he complained. The city did not object to the State's righting his wrongs if he had any, but did object to the State's taking city money to do so with, as was proposed to be done by the law of 1885. Others beside Mr. Harvey, no doubt had grievances, and such a fund as this might be claimed by them, and other attempts to grab it be made, hence the city desired the authority to use it in the manner proposed by this bill.

Mr. Harvey, then addressing the Committee, said: That he was the person named in the law of 1885 as referred to by Mr. Scott; that, counting Mr. Scott's appearance before the Senate Committee in 1885, in opposition to the law afterward enacted, and invalidated by the Courts, as one continuous effort, including the present year, he could say that he had not otherwise come in conflict with the city since 1871, when it was represented by one not as attractive, personally or socially, as its present agent, but who certainly occupied a higher official position, and spoke more authoritatively for the city, than even Mr. Scott did at present; that former opponent and city representative was Public Works Commissioner William M. Tweed. He at that time said, that the city was opposed to the Elevated Railroad System in toto; that it was a nuisance and humbug, which the city did not want within its bounds, on any terms or conditions; and he advocated a bill to give the city, by its officials, power to tear down all then built, boasting that but a few days would be necessary to annihilate it, as he would put on thousands of the city laborers to do the job expeditiously. The Senate passed the bill with a rush, but the speaker, through his friends, held it in the Assembly, until the latter became better informed, and by a strong vote refused to pass it, and thus the Elevated railways were preserved to confer inestimable benefits upon the city in spite of its open hostility. To have the city turn about and now claim that it had a vested right to the income of that which it had sought to destroy, and would have done so but for the higher power of the State, was as ungracious as it was untenable. Why not concede that it owed a debt of gratitude for this boon to some one outside of itself,

and not fly in the face of history and fact? And why not acknowedge that it has not now nor never had the power to use a dollar of the fund referred to, which was only paid to city officers, as other State taxes were paid, simply to be held by them as custodians until the State called for the funds? The law from the outset until now had vested the power of expending the fund in a Board of Commissioners, of whom the majority were appointed by the Governor and amenable to the State, but not to the city. Hence to speak of these funds as being in the City Treasury, in the sense of being municipal funds, was unwarranted and misleading.

As to the danger of the fund being "grabbed," which so strongly affected Mr. Scott and other city officials, it reminded the speaker of an occurrence in a town where he once dwelt. There was a church of colored people there to which a young collegian of the white persuasion went one day to give them some good talk. In the course of his remarks he said that in almost every flock there were some black sheep which the rest ought to avoid. At this point one of the hearers, of the deepest shade of color, rose up and said that he "would like the white brudder to say right now who he am alluden at."

So the speaker, when he heard Mr. Scott refer so pathetically to the danger of a grab from a grabber, would like to know right here who he was "alluden at." Was it from or by one person, or a "combine," or a city official, or several, or all of them, or by or for the city itself?

A Member of the Committee: Mr. Harvey, I would like to ask where the Committee comes in under your story?

Mr. Harvey: Why as Mr. Scott appears to be the white man when he speaks about grabbing, it would seem to follow, as a matter of course, that the Committee, as well as myself are the colored brethren who should avoid this black sheep grabber as soon as pointed out. Such would seem to be the spontaneously combustible inference laying around loose in our white brother's remarks.

As to the Court of Appeals' decision, it was simply that the money could not be turned over to an individual to build an illustrative section of a railroad, when the State Constitution requires that railroads in cities must be built and owned solely by corporations. When the law of 1885 was drafted legal counsel, then consulted about it, advised that it would be deemed valid because it did not prevent me from delegating the powers of construction to a corporation and thus avoid the constitutional point. Several influential members of the Legislature also advised against having any mention of a corporation agency in the law, as they said it would in such case be attacked and its passage defeated on the ground that it was intended to cover up a speculative corporation grant instead of providing for a simple act of justice to an individual who had confided plans and property of great value to the State, and had been afterward deprived of them by ill-advised and pernicious legislation.

But the Court of Appeals had decided that there were illegal kinks in the line of his endeavor, and so he had come to try again.

* * * * * * *

Chairman: The documents are so received and ordered printed by the Committee, to be ready for a special meeting, which, owing to other appointments, cannot be held until the 30th instant.

Member of Committee: I suggest that the meeting be held in the evening, when we will not be limited for time, as I for one am willing to sit into the "small hours" to go through with the facts in this case.

Chairman: The suggestion is adopted, and the Committee will meet at eight o'clock P. M., of the 30th instant, and take up this bill as the special order for that time.

Mr. Harvey: There is a new feature connected with this case to which the attention of the Committee should be called without delay. It is a development recalling the methods of legislation pursued when the late Mr. Tweed represented the City of New York, both in and out of the Legislature, but is more audacious than any instance now remembered to have occurred in his most palmy days. The fact to which I refer is, that while this Committee is engaged with investigating this subject, in connection with a bill introduced in the Assembly, the representatives of the City have another bill under way to reach the same end, which has a "blind title," and the subject of this bill concealed in two lines, which if passed will forestall your action completely. I am informed that this bill was passed in the Senate to-day, and if it goes to another Committee in the Assembly and is railroaded through to the Governor it may become a law before your next meeting. Of course your further hearing would in such case become a farce, and I should feel outraged anew in wasting time and expense, in coming to Albany with facts and arguments upon a prejudged case.

Chairman: Mr. Harvey, will you please inform the Committee as to the title of the Senate bill you refer to?

Mr. Harvey: I hold a copy in my hand; it is Senato Bill No. 99, entitled, "*An Act to provide for the erection of a building for*

municipal purposes in the City of New York." No one would infer that a bill with that title had to do with railroad funds, and it would take an experienced and well-posted eye to discover any such result in the body of the bill.

Member of the Committee: Mr. Harvey, will you point out to the Committee the two lines you think forestalls the bill we are considering?

Mr. Harvey: You can find them as the sixth and seventh lines of the 5th section, reading thus:

6. SECOND.—"*All moneys accumulated under the provisions of chapter four hundred and eighty-nine of the laws of eighteen hundred and sixty-seven.*"

Which act you will see is recited in the title of the bill now before you. I have just come from the State library where I was searching to find what the next previous two lines refer to, reading as follows:

FIRST.—"*All public moneys recovered "under the provisions of chapter forty-nine "of the laws of eighteen hundred and sev- "enty-five.*"

Finding that this law was framed to force settlements with the "Tweed Ring," so called, I conclude that the small remnant of the fifty millions or more of money stolen by those city officials is to be used for this municipal building, where other "rings" will doubtless hereafter fatten more or less as heretofore. You may remember that while that ring sat in officials' chairs, it was well known that an honest claim stood but a poor chance of being paid upon its merits. And this new law, under the circumstances surrounding it, is an indication that the infamous leaven of former days is still at work. The day will come when this attempt of the city officials to keep me out of my righteous dues will be regarded in the public mind as a more inexcusable crime than that whose shadow rests on the preceding two-line paragraph. Tweed's peculations were condoned largely by the City, for it returned him as a Senator to this Capitol after they were known and published. But in this case the city officials are trying to prevent the State from doing an act of justice in honorably restoring a few hundred thousands the expenditure of which, by myself, upon the faith of the State, be it remembered—not of the City—the latter saved an untold bonded debt under under the provisions of chapter 300 of the Laws of 1871, secured rapid transit, increasing its taxable property hundreds of millions without costing it a dollar, but, on the contrary, has already received several millions actual cash paid in direct taxes upon the rapid transit structures themselves, which has also furnished the fund out of which the State is endeavoring to have the first advance of private funds repaid. Oh, Shame! where is thy blush! Whoever drew this "blind bill" had the sense to make the distinction between the two classes of money by terming that referred to in the first paragraph public money, and not claiming the second to be such, for it is in fact but a part of the private money of myself and original associates forced from us by an iniquitous law, without consent or compensation.

Mr. Scott: Mr. Chairman, I will consent on behalf of the City that those two lines to which Mr. Harvey objects shall be stricken out of the Senate bill.

Mr. Harvey: In such case I know of no occasion to oppose the bill if those lines or any other of like import are stricken out, but how do I know but this bill may be sent to some other committee and rushed through "sight-unseen"?

Chairman: This Committee will see that that bill is referred to it, and that Mr. Harvey has plenty of time to examine it and to object if it injures him in any way.

Mr. Scott: I presume that the Senate bill will come to this Committee, and I want to have it understood that if the points objected to by Mr. Harvey are stricken out that it need not be otherwise held back, for there are remaining provisions in it deemed very important by the City Government which it desires to have expedited, and which I do not wish to have jeopardized by any complications with Mr. Harvey's claim.

Mr. Harvey: Do I understand, Mr. Chairman, that you will see that all points of coincidence with the object or effect of these two lines are stricken out of the Senate bill, and that my claim will not be prejudiced by any action until the next hearing set down for the 30th instant?

Chairman: That is the distinct understanding which the Committee will see carried out without fail.

Hearing was then adjourned.

[No Bill relating to the "fund" was passed during that session.]

This occurrence is stated at length that the reader may perceive to what depths of chicanery the municipal officials of New York unblushingly resorted. To be debating one bill while surreptitiously passing another for the same object, would seem to be about on a par with passing counterfeit money, so far as honor is concerned; but no apologies were tendered when the plot was exposed. The authors merely withdrew to try again at the first opportunity!

PROMPTED PRESS PARAGRAPHS.

Only those who observe the working of municipal affairs can appreciate the hold which the City officials have upon the local Press to prompt or suppress news concerning local departmental topics. As an example;—when the Bill which caused the foregoing debate was introduced, the following sensational article appeared in certain of the city Press.

MR. HARVEY GRABBING AGAIN.

The Comptroller, However, Has His Eye on the Coveted Pile of Money.

"A bill was introduced into the State Legislature a day or two ago by Assemblyman Ernest H. Crosby, at the request of Comptroller Loew. It provides for turning a special fund now in the city treasury, known as the "Greenwich Street and Ninth Avenue Elevated Railroad five per cent. fund," which amounts to $202,-251.80, into the general fund for the reduction of taxation.

* * * * * * *

"Chapter 855 of the Laws of 1868 provided that the money should be expended in improving and beautifying the streets through which the railroad runs, but it was never used for that purpose.

In 1885 Charles T. Harvey, an engineer and inventor, who claimed to have originated the scheme for elevated railroads in this city, and to have been swindled out of the profits of his idea, went before the Legislature and asked that the fund be turned over to him for the purpose of making experiments, and, backed by powerful influence, he actually succeeded in getting such a bill passed. This bill became a law June 13 of that year, and is known as chapter 554 of the Laws of 1885.

* * * * * * *

"As soon as the bill was signed by the Governor, Mr. Harvey hastened back to New York and made a formal demand on the Comptrollor for the money, but the latter, *believing that the bill was a gigantic steal,* refused to pay it over, and the case was taken into court and finally reached the Court of Appeals, which decided that the bill was unconstitutional.

Undaunted by this rebuff, however, Mr. Harvey has not yet given up hope, and it is said that he is now in Albany with another bill, which he hopes will enable him to secure possession of the fund; and it is for the purpose of thwarting him and saving to the city the $202,251.80 *that the Comptroller* has procured *the introduction of the bill."*

Let the light be thrown upon these officials who speak so glibly about "gigantic steals." The Comptroller had within a few months of the date of this publication, paid somewhat over fourteen hundred and fifty thousand dollars ($1,450,000) in settlement of a claim against the City for ten thousand worthless water meters,—one of the corrupt bargains of the Tweed dynasty,—and known to be a fraud from beginning to end. It was true that the claim had ostensibly been resisted on behalf of the City, and had been ordered paid by the Court of Appeals, but it was none the less true that the City was swindled out of that vast sum without its officials taking anyone connected with that claim severely to task; and when the final payment was made, it was effected so quietly that the circumstance was scarcely noticed by the City Press!

The next fact to be noted is that the same Comptroller, while collecting for the City a bill of costs from Mr. Harvey (in effect for trusting to the law directing payment to him), actually paid out of the fund in litigation, the sum of $1,768.62 as fees to David Dudley Field's whilom junior partner, for acting as "*associate*" counsel for the City! (See page 112.)

But like the forecast of the unjust steward, this emolument of illegal favoritism was not bestowed without an equivalent in view, for when that City official's term of office shortly afterward expired, he was provided with a very lucrative berth in the Department of Legal Delays and Evasions, (of settlement of damages by the elevated railways to realty owners) as organized and most successfully operated by David Dudley Field, as particularly mentioned in Chapter XIII. pp. 106–7

Thus the presence of "milk in the cocoanut" can be readily explained.

One more illustration of the mysterious bond of union between certain of the City officials and certain of the City Press will be given in the statement that soon after the inauguration of the present Mayor, he caused a public announcement to be made of his desire to receive suggestions as to the best methods of extending rapid

transit facilities. Thereupon the name of Mr. Harvey was mentioned in his presence and before an ubiquitous reporter, as one whose experience might be a valuable guide in that direction. Immediately there appeared with heavy "head lines" in a certain City journal, what purported to be a true narative of a call made by Mr. Harvey upon the Mayor, putting into the mouth of the former prolonged, discourteous, and even disrespectful remarks, such, it was stated, as excited the ire of the Mayor, and led to an abrupt termination of this interview of an hour's duration.

Mr. Harvey chanced to be absent from the City when the fabrication appeared, but on his return, sent a letter to the editor, asking that the statement be corrected, as he had never called upon the Mayor, had never spoken to him, and did not know him by sight. *The correction was never made!* An attempt to enforce a disclaimer was simply to open wider the flood gates of vituperation, and that upon ground where there was no assurance of fair dealing; however, lest "silence should give consent," a circular was printed at private expense and, distributed among his friends—to disabuse their minds of this slander. Whichever of the City officials prompted this covert attack, doubtless felicitated himself upon the safety with which he had set an ambush!

This being only one instance among many of its kind in Mr. Harvey's experience, his sentiments are probably similar to those recently expressed by the President of Harvard University—"that in the invention and multiplication of fabrications, the modern reporter has no equal."

The necessity of a statement in authentic form, as in these pages, to enable readers to be independent of casual or colored sources of information, is made apparent by such occurrences as last mentioned.

To proceed still farther to illuminate the source of the fierce municipal opposition to the settlement of the just claims of Mr. Harvey, the fact may be mentioned that within the last twelve months, the lessees of stands in a certain market owned by the City, made an outcry that they were being "blackmailed" by certain sub-officials of the Finance Department.

Upon investigation, recent extortions and embezzlements of over half a million dollars were exposed in that single precinct of municipal government.

Thereupon the City Accountant of the Market gathered up his books and conveyed them into another State and defied all legal process to compel his, or their, return. This breach of etiquette, it was stated, deprived the Department of the proof necessary to prosecute the delinquent officials and the matter was abruptly dropped in Court and ignored by the Press; and no farther questions have been asked in public!

Somewhat later in the year, the Department of Docks was subjected to a spasm of investigation, and a very shallow probing revealed transactions which were unexplainable under any ordinary rules of business integrity. In certain cases immense sums were involved in underletting and in over-estimates, through official favoritism.

The official most prominently opposing Mr. Harvey's claim at Albany was thereby placed in a very dubious position, when suddenly the lights of investigation went out; and all was as dark as before!

Revelations in the Sheriff's office, and as to his personal conduct are the latest sensation,* which may be expected to fade

* The following is an extract from the presentment in Court of the findings of the Grand Jury of New York City after an investigation which was followed by the resignation of the Sheriff, James A. Flack, previously, City Clerk, whose name appears so prominently in the receipt (see page 95) for the payment of costs by Mr. Harvey to the City.

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During the year 1889 the Sheriff's profits, after deducting from the fees received by him from all sources the legitimate expenses of his office were fully $50,000. How much more profit he derived as "extra compensation" cannot be ascertained with any accuracy from his books, as no proper record of those receipts has been preserved. *

* * * * * * * * * The spectacle of this individual and others clearly implicated in this and other characters of pecuniary corruption

Continued to next page.

out of the public mind as have the recent "Boodle Aldermanic" trials and the story of the resultant flight to Canada of a majority of the *very* c (C) ommon Council.

But it still remains true that it is amid such official surroundings that nearly forty millions of dollars of municipal revenue are annually collected and disbursed in this greatest City of the Western Hemisphere It is in its treasury that the proceeds o. the robbery of its greatest benefactor is still clutched with the grip and the defiant epithets of a highwayman, and even the reparative measures adopted by the law-making power of the State are nullified with the artifice of the miser, and the sneers of an ingrate.

CHAPTER XIII.

Citizens Versus Transit Improvements.

It is an open question whether the apathy, or distrust of the more wealthy and influential class of citizens of New York City towards its transit improvements was the cause of, or was caused by, the speculative element securing control thereof.

The time was when the great local real estate and mercantile interests could have made their selection of City elevated railway investments; but their support was mainly withheld when most needed, and stock jobbers came into power and rode rough-shod over private rights under the color of serving public necessities, reaping enormous profits, but adopting, meanwhile, inferior plans, which were more easily and more quickly made to conform to the exigencies of stock speculations.

Indignation is natural when one observes residence streets and avenues so seriously damaged by unsightly elevated railroad structures, while hundreds of thousands of residents are within hearing of the roar of the locomotive trains thundering up and down the resonant tracks at all hours, and receive, especially while sick and dying, untold distraction therefrom.

But when it is remembered that the community, as a whole, paid no attention to the injustice which drove the originator of the system from public application of plans which, as I believe, would long ago have eliminated these evils, we must regard the public as a party that by contributive negligence has largely brought about such untoward results.

(Continued from last page).

shielding themselves beneath the cloak of pretended honesty and quietly pocketing a portion of the proceeds of these ill-gathered gains is one of the most degrading and contemptible in the whole range of the investigation. * * * * * *

[How forcibly do these words apply to the Comptroller's office in respect to the Harvey claim fund!—S. O. J.]

"The Sheriff's office at the present time and for a long time past is and has been tainted and corrupt. *For the purpose of gaining advantage inconsistent with official sworn duty and the legal rights of others, that office has been brought into public scandal and infamy. The administration of its affairs during the past twenty years has been characterized by an utter subversion of the public interests to personal gain and the employment of men of ignorance and cupidity to discharge its ordinary duties.* Little regard has been paid to the interests of creditors, and the rights of those whose property has been placed in the Sheriff's custody have been persistently ignored."

"The management of the office has been and is at the present time mercenary, slovenly, and wholly indecent, so that no confidence whatever attaches to its acts."

"While it would be difficult to prove within the narrow technical rules of criminal evidence the Sheriff's personal knowledge of any particular case of actual crime committed by one of his subordinates, there is no doubt of his knowledge of the systematic abuses which are the natural inducements to such crimes." * * * * * *

New York, March 25, 1890.

By the Grand Jury,

JOHN HARSEN RHOADES, Foreman.

J. Bowers Lee, Secretary.

In support of this conclusion a few facts will be submitted to the reader.

On the 14th of December, 1886, a notable meeting of leading business men of the City assembled in a parlor of the Fifth Avenue Hotel. They had come together to consider the question of forming an association to aid in the introduction of improved transit facilities by providing the means for an illustrated section of elevated railroad, operated by traction cable power; to be made ready for exhibition within or near the City by Mr. Harvey.

The meeting organized with the choice of a well-known capitalist as Chairman, and a partner of one of the largest Broadway dry-goods houses as Secretary. Mr. Harvey, upon invitation, made an address for an hour or more upon the subject under consideration.

After alluding to the decision of the Court of Appeals invalidating the grant of money made to him for the same purpose by the State during the previous year, he said that while he was positive that he could demonstrate the practicability of a far better transit-system than then in use in the City, the means to do so were quite beyond his private resources, and the best, if not the only practicable plan to obtain perfection in transit methods, was through the organized support of non-speculative business men, who had no interest but to secure the adoption of the best plan, whatever it might be. He assured them that they would, like himself, be confronted by a combination of unscrupulous financiers of great wealth, with legal talent of the highest ability at command, and consolidated into a rival organization aiming at a local monopoly; and, he added, that it was worse than folly for him to expose the merits of a better system to attempts either to crush out or to seize upon unprotected inventive interests, an experience which he had passed through in previous years, and in which he had preserved his business probity at the cost of great personal risk and inconvenience.

He referred to the active proceedings then being taken against Mr. Jacob Sharp, the pioneer in substituting tramway cars for omnibuses upon Broadway; who, having succeeded in establishing that great improvement, was set upon by a rival and unscrupulous organization which, having failed to secure for themselves the coveted franchise, had adopted the rôle of Satan rebuking sin, by moving the State to undertake criminal prosecutions, which resulted in exiling most of the Councilmen and in bringing Mr. Sharp into the shadow of the State prison.*

This treatment of Mr. Sharp, thus prompted by envious rivals was, considering only its source, most despicable; but it taught the lesson that pioneering merit was in New York no safeguard against the attacks of envious rivals.

He then alluded to his personal struggles in starting the first elevated railroad and the various classes of minds as well as purses, with which he came in contact. He mentioned one instance (without giving the name) of a resident of the City who had a country residence in Westchester County near that of his friend, the late Dr. Underhill, of Croton Point. (See likeness and reference on page 69.)

The Doctor knew the gentleman to have millions invested in gas stocks and like "gilt-edged" securities yielding unusually large annual dividends, and securing interviews with him, hoped to obtain a subscription to help forward the pioneer elevated rapid transit enterprise. To the worthy Doctor he expressed grave doubts whether the plan would answer the purpose, but intimated that if such fact was proven he might respond. At last the line was open for trial trips from the Battery to Thirtieth Street, and the Doctor took great pride in conducting this millionaire from the depot to his place of business by means of this new system for street travel.

The transit was easy and rapid, and his watch bore witness that he had saved a half-hour of time in thus going from residence to office. On arriving at the terminal station, the capitalist, turning to the man in the ticket office, said: "*What*

* He was subsequently tried and sentenced, but secured a stay of proceedings and the granting of a new trial, pending which his death ended the case.

is the price of a ticket?" "Ten cents!" was the reply. "*Give me one,*" he said, throwing down a dime and adding with emphasis, "*You may count on me hereafter as a patron of this line.*"

This was the utmost of encouragement received from that source! The visions of an appreciative subscription at once vanished, and the doctor adjourned to lunch where a few friends joined him in a hearty laugh at the humorous side of the episode.

In contrast with this style of action, the heartiness with which the late William E. Dodge accorded support was recalled. When Mr. Harvey went to him for a subscription, Mr. Dodge said, "I have grave "doubts as to your success, not alone be- "cause of the novelty of your plans, but "because of the words of opposition which "I hear from leading property owners "along your route. I was dining with "Messrs. R. L. & A. Stuart the other "day, and they said they would never per- "mit you to go over the vats at their sugar "refinery on the corner of Greenwich and "Chambers streets.* But you are striving "in a good cause and I will not discourage "you, but will help by a subscription "which I presume will but amount to a "gift to the object." Suiting his action to his words, he at once subscribed liberally to the pioneer elevated-railway stock.

Later, he saw his doubts removed, and largely increasing his subscription, allowed his name to be used before the public as an endorser of the enterprise (see page 63) and in the following published paragraph:

"Having ridden daily for the past week on the road, I am fully confirmed in my views that it will yet prove a great success and of vast value and convenience to those residing in Westchester County.

"W. E. DODGE.

"TARRYTOWN, July 1st, 1870."

The following letter was printed in State Document 33 of session of 1873 as addressed to a State Senator at the time indicated:

OFFICE OF PHELPS, DODGE & CO.,
NEW YORK, *April* 25, 1872.

* * * "My friend, Mr. Harvey, is the only man who has really done anything for us in the way of rapid transit, and has had to contend with all kinds of oppositions and trouble and lost largely, and yet he knows more about it than any other man in the City. He has long been satisfied that he could propel the cars without using an engine, and now has perfected it, but the parties who now have the road in charge will not allow the experiment. He is entitled to it and I hope you can get such an act as will compel them to allow him to test it. Any thing you can do to aid him will be a special favor to your old friend." * * *

Truly yours,
WM. E. DODGE.

"He," continued Mr. Harvey, "was the only one of the early investors in this enterprise who enquired into my personal financial circumstances, and finding them to have suffered from the fierce and unjust opposition I had encountered, handed me his check for a liberal sum as a substantial mark of his sympathy and approval."

With these recollections said he, I never look upon the memorial statue of Mr. Dodge without admiration, because it worthily commemorates the beneficient influence of a public-spirited business man of a rare and noble type, and to whom the City is in a measure indebted for the great boon of its improved transit facilities.

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* The following allusion to that firm is found in Senate Doc. 21 of 1889, page 27, in the statement of Mr. Harvey to the *Investigating Committee*, as follows:

"*At the time of my leaving the railway management in* 1870, *not a single suit from property-owners was then existing against the enterprise.*

"One incident will indicate to what extent good management aided to secure this remarkable record. Just as I was preparing to extend the line of elevated railway from Dey to Thirty-First street, I learned that the great sugar refining firm of R. L. & A. Stuart, owning the entire frontage from Chambers to Reade street were about to get out an injunction against my building in front of their premises."

"On going at once to them I found that the papers were ready to serve, and for reason that they had extensive tanks of liquid mixtures directly under the curbstone line, which they did not propose to have interfered with. After an examination of their vaults, I offered to build the railway over their tanks without disturbing the same. They agreed to withhold their injunction in that case, but doubted my ability to do such a thing. By using long iron girders, with the short ends resting on the outer masonry walls of the tanks, and the long ends being bolted to sub surface masonry piers in the middle of the street, the columns rested securely on the short ends directly over the liquid contents, and upon the tracks thus supported, millions of passengers rode, until the Stuarts, discontinuing their refining business, no objection longer existed to solid foundations, which my successors afterward substituted."

Statue of William E. Dodge, erected at intersection of Broadway and 6th Avenue.
From a photo-lithograph.

Mr. Harvey also stated that the nucleus of the present elevated system was largely due to the investments made in it by men of very moderate means; such as policemen and small tradesmen who anticipated its future, more correctly than the millionaires brothers—R. L. & A. Stuart, the sugar refiners, who seriously sought to bring him to their opinion, that when the railway was built, the public would not ride upon it! The four most prominent elevated railway managers (in 1886,) were Gould, Sage, Field and Dows. The first, as the chief factor in causing "Black Friday" was a consequent factor in the early unsettling of the finances of the pioneer organization, as mentioned on pages 7–63. The next, upon being urged by the speaker to aid by a subscription during the experimental section period, replied "Harvey, you will be always welcome to drop into my office for a friendly chat if you will refrain from advocating such a nonsensical idea as an elevated railroad in the streets, that is a mere waste of time!" As to the third person

named, Mr. Harvey had spent hours in vainly trying to enlist him in the project in which, a few years later, he became so conspicuous an operator. He did not look as favorably upon experiments in that line then, as he had since!

While the last on the list, although a stockholder for a small amount at the solicitation of another (as mentioned on page 62), when applied to for assistance in completing the bond required by the original Law as a condition precedent to extension of the illustration section, declined with the remark that "he would not join "in the obligation to save the whole enter- "prise." Stockholders of far less ability financially did come forward and join the speaker in filling that gap, only to see others reap where they had sown!

Proceeding from the domain of personal influence to that of engineering merit, Mr. Harvey stated that after the suppression of his original plans (as set forth in the investigations and reports of Legislative Committees,) he had, after the lapse of a decade or more, resumed his experimental studies, and had progressed with them so far that with the means at command to erect and equip a track of a mile or more in length, he could demonstrate practical improvements which would place a new face upon the question of more and better rapid transit facilities for the City of New York, and he now invited those present to agree upon some plan of united action to assist him in so doing, advising them to test any other methods or plans with a view to selecting and introducing the best possible system of rapid transit, in the interest of realty owners as well as of the public. He concluded by saying that, if the meeting would appoint a committee to inspect the progress he had already made, he would be pleased to submit proofs to be reported upon at an adjourned meeting.

This suggestion was adopted and a committee of three was appointed, the Chairman of which was the late Hon. Horace Fairbanks, ex-Governor of Vermont, and the head of the well-known scale manufacturers, E. & T. Fairbanks & Co.,* whose warehouse is prominent in lower Broadway, and whose wares are favorably known throughout the world. With him were associated the senior proprietor of the famous Fifth Avenue Hotel, together with a member of one of the greatest dry goods firms on Broadway. It is needless to say that great weight should be attributed to the opinion from men of such experience and business standing.

The Committee thus constituted made the examination proposed and the unanimous report signed by them is before me. Their conclusions are indicated by the following extract: "WITH PROPER FACILITIES A SUPERIOR TRANSIT CAN BE REALIZED."

The meeting of representative business men re-assembled, and the report was submitted. The crucial test was then made of the possibility of securing united action upon a liberal scale, and—*the result was a failure!* There were there represented firms at the head of the dry goods, grocery, jewelry, carpet and other mercantile interests of the Continent as well as of the City, beside leading realty owners; (one person alone of the last-mentioned class, having a rent roll of $400,000 annual income from property upon only one of the City streets). These representative men were asked to come forward and to let their names appear as a guarantee to the public of good faith, while exhaustive tests were being applied to set at rest the question of the best method for rapid transit in the City, not alone through Mr. Harvey's plan, but only after comparison with any other system which might be presented for their consideration.

This proposal, however, met with pronounced disfavor, the objection most forcibly urged being the inevitable degree of personal annoyance which would result from attacks in the newspapers; "monopolists," "jobs" and similar epithets it was claimed would be bandied about in sensational head lines in certain "dailies," while the next step would involve contact with the City

* It was as an employee of this most reputable firm that Mr. Harvey nearly forty years before, had commenced his business career, and it was with its approval and support that he took charge of constructing the great Lake Superior Canal in 1852-3.

Government to obtain its necessary consent to occupy any new routes, with all the suspicions of "deals," which success in that direction might imply. That there was force in these anticipated evils may properly be conceded, but yet the proportion between timidity as to reputation, and timidity as to investment, will in this case ever remain an unknown quantity. Suffice it to say, that this meeting—like those which followed it—broke up without beneficial action, and the author of the elevated railway system was left to his fate, in so far as united support was concerned.

When this result had become an established fact, Governor Fairbanks and a few other of the participants at the meeting, promptly provided a private fund from which Mr. Harvey received immediate and effective support; and thus the attempt to secure an united effort was not wholly in vain. Mention of the result of this private yet effective method of procedure will be reserved until further developments are added to this narrative, but enough has already been accomplished by the measures indicated, to warrant adding the name of Horace Fairbanks to the list of the benefactors of the City of New York, in connection with its urban transit facilities.

EX-GOV. HORACE FAIRBANKS.

The fact remains to be stated, with deep regret, in this connection, that both ex-Governor Fairbanks and ex-Senator Roscoe Conkling—retained as Mr. Harvey's counsel at this time—lost their lives from exposure in the "blizzard" of 1888; caused by a cessation of elevated railway facilities which Mr. Harvey's plans would have obviated, for reasons given on page 60 in words derived practically, from the present elevated-railway management.*

It being thus proven by an actual trial of meetings of the leading non-speculative class of business men and realty owners of New York, that they would not combine to protect themselves or the public by the "ounce of prevention" (or experiment promoting) policy, "the pound of cure" (in law suits) was sure to follow, as the statements contained in the accompanying Press quotations † will serve to indicate.

* It will be noticed that one of the points made on the page referred to, in favor of cable traction power upon elevated railways of New York, was that they would not with such power have been forced into disuse for several days, as was the case with locomotives. Ex-Senator Conkling, finding that means of transit, like every other, cut off by the historic storm, undertook to walk from his office to his hotel, and nearly perished in crossing Union Square; becoming bewildered and benumbed, he barely escaped alive, only to be prostrated with a fatal illness in consequence of such exposure.

Ex-Governor Fairbanks undertook to supply the want of steam transit by the use of a carriage, and the exposure resulted in his death March 17th, 1888, at the Fifth Avenue Hotel, where he was sojourning at the time. Thus these two distinguished men died in that city from the same cause, namely: inferior methods of urban railway conveyance.

†NEW YORK TIMES.

NOVEMBER 27, 1888.

James Renwick's Hard Lot.

He Claims $41,000 *Damages and is Allowed but* $5,000.

Owners of property along the lines of the elevated railroad company's structure who expected reasonable compensation from that corporation for damages consequent upon the construction and operation of the road in close proximity to their stores and dwellings will not find much consolation in the maiden award of the new commission to assess damages which was handed down yesterday afternoon. It was in the Renwick case. The plaintiff claimed damages of over $41,000 to property in Forty-second street, and was allowed $5,000. * * * The commission, which is composed of William N. Armstrong, Edward V. Loew * and G. W. Lyon, has had its office in the building occupied by the executive department of the elevated railroad company. They have had the services of the corporation's stenographer, and their work has been facilitated with a singularly accommodating spirit by the legal representatives of the company. * * * *

(* *The same person who as City Comptroller in* 1885 *refused to obey the law in regard to Mr. Harvey's claim.*)—*Continued on next page.*

BROOKLYN CITIZENS *versus* IMPROVED TRANSIT.

Before closing this Chapter relating to the attitude of certain classes of citizens in the City of New York, sundry analogous circumstances occurring in the sister City of Brooklyn will be briefly stated.

The magnificient structure known as the Brooklyn Suspension Bridge is justly esteemed one of the wonders of the world, and its beneficient utility is now appreciated by the millions who frequent it as an indispensable highway between two great cities.

Although its cost was something over $15,000,000; it has proved a satisfactory investment for all concerned, and moreover it is operated by a traction cable.

It is well known that it owes its inception and existence to the late Hon. Henry C. Murphy, who secured its charter while a Senator in the Legislature, and was its first and only President to the day of his death, December 1st, 1882, the bridge being opened to the public May 24th, 1883.

That the judgment and influence of a person in such a position and with such prestige, would be of the highest quality, goes without saying, and hence the following incident has peculiar significance.

About the year 1880, he confidentially consulted with Mr. Harvey upon the then

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Quotations continued from last page.

FROM THE NEW YORK WORLD,

DECEMBER 2, 1888.

There is a small-sized war raging among the property owners along the elevated railroad, who have claims for damages against the railroad company. They are very angry in having discovered that they are the victims of what looks to be a large-sized practical joke. * * * * * * * * * Their first or test case was argued before this commission last Monday afternoon, with astonishing results, $5,000 being awarded by the commission in a claim for $41,000 damages.

To say the property-owners were disgusted was, to say the least, putting it very mild. They stamped their feet, used cuss words and unmentionable adjectives until the air was blue. When they began to investigate the record of the man they had selected to represent them their indignation knew no bounds.

From the Same.

TUESDAY, OCTOBER 22, 1889.

A STRANGE SCENE IN COURT.

The Judge sitting in Supreme Court Chambers, was given to understand pretty plainly yesterday morning that his sincerity as an impartial arbiter between corporations and individuals was doubted. No plainer inference was ever presented to a Judge on the bench, and it came not from one man nor two men nor three men, but from a host of the most prominent representatives of the Bar of the City of New York.

The scene was a remarkable one—almost dramatic—when from all parts of the court-room, crowded as it was to suffocation, there came one objection after another, the purport of which the Judge could not fail to understand. * * * *

MILLIONS AND MILLIONS INOVLVED.

The movement is one of the most important that has taken place in all of the litigation that has followed the seizing and occupation of the streets by the projectors of the present methods of rapid transit, affecting as it does a hundred million dollars' worth of property in the very heart of the metropolis and in the arteries leading thereto. * * * * * * *

The corporation has acted with the intention of grabbing all it could get and keeping all it grabbed. This policy has been maintained to this day. *It has beggared many men, has driven many more to despair*, AND SOME TO DEATH. (Paton, Caro and others as previously mentioned.—ED.)

From the day when the first suit for trespass was brought, to the present day no claim for damages has ever been settled squarely on its merits. In every instance the claimant has been harassed by delay and avoidance, gained by different methods and in devious ways. * * *

One instance of the methods employed by this Commission is quoted by one of the lawyers and will illustrate the injustice of which property-owners complain. Briefly it is as follows:

A SAMPLE CASE.

Phoebe A. Brown, through her attorneys, brought suit against the New York Elevated Railroad to recover damages sustained by her property at the northeast corner of Third avenue and Ninth street. Judgment was entered for the plaintiff. Following its usual custom, the corporation defendant sought the Judge and asked for the appointment of a commission. The Judge's college "chum," the Western Union employee and the lawyer were appointed. At $10 an hour paid by the Elevated Railroad, they heard testimony, which, when completed, occupied 547 pages of legal cap. It was proved beyond the shadow of a doubt, and the defendant conceded the point without question, that the property in question rented for $7,200 per annum in the year 1868, and that the rental was on a rising scale until the erection of the Third Avenue Elevated road in front of the premises; that from that time until the year 1885 the rental value decreased until it reached $4.100 per annum, and that the value of the property itself decreased in proportion. It was also shown that the corporation defendant had actually appropriated $700 worth of iron railing in the building of its stairway from the structure to the street. The total loss in rental during the seventeen years was, in round numbers, $47,000 leaving out of the question all other elements of damage. This was conceded. The Commission decided that the plaintiff was entitled to $3,500.

Frederick A. Conkling, the brother of the deceased Senator, had his property on Third avenue damaged to the extent, as he avers, of not less than $5,000. The Commission after hearing testimony at $10 per hour, awarded him $22. * *

The Commissioners have usually been paid $10 per hour each for their sittings and their constructive sittings. Is has also been stated that cases have been withdrawn regularly from Commissioners where the awards of the Commissioners were unsatisfactory to the Elevated. One or more Commissions have been quashed in their inception when the appointment of Commissioners fell before other Judges than the one Judge to whom the property-owners object.

HON. HENRY C. MURPHY.
(The "Father" of the Brooklyn Bridge.)

undecided question of the form of motive power to be adopted on the bridge. Mr. Harvey favored the adoption of the cable system, and predicted the success of the plan subsequently adopted, but which was not in the line of his special experiments for railway purposes. This intercourse led him to inform Mr. Murphy of his own progress in the adaptation of the same power for elevated railways in the streets of cities, and to exhibit, confidentially, models illustrating the principles which he had adopted.

Mr. Murphy soon became an enthusiastic convert to Mr. Harvey's theory, and declared his conviction, that upon a practical demonstration of its merits, the infliction upon Brooklyn of the bulky structures required for locomotive use, could be most happily avoided,—to the great advantage of the public and especially of adjoining realty owners. Imbued with this belief, he determined, in 1882, to call a meeting of leading citizens of the city and to request them to subscribe to a fund of not less than $50,000, to secure the erection of a trial section in or near Brooklyn; by which means the citizens could judge of its feasibility and superiority, before locomotive lines (other than one then partially built, unused and in bankruptcy) were legally authorized. An arrangement was made to assemble on Brooklyn Heights at the residence of a well-known capitalist on a specified evening. One of the original notes of invitation signed by Mr. Murphy, being in the author's possession he has caused a fac-simile to be made of it, withholding only the address of the person to whom it was sent.

Brooklyn. Feb 13/82.

.....Esq.

Dear Sir,

You are cordially invited to attend a meeting of a limited number of gentlemen, at the residence of Hon. A. B. Chittenden, No. 18 Pierrepont Street, on Monday evening next, at eight o'clock, to consider the question of rapid transit for Brooklyn in a practical sense.

Very truly Yours,

Hen. C. Murphy

When the time arrived, and a goodly number of the invited persons were in attendance,—including some of the richest residents of the city,—Mr. Murphy urged a liberal subscription to provide for placing in operation an illustrative section of elevated railway operated by Mr. Harvey's plans of motive power, offering himself to take the official charge of it, and to subscribe with the others, to cover the estimated cost. The result was identical with that developed at the New York meeting,—just mentioned as assembling for a similar purpose. Such numerous doubts and objections were expressed that not one dollar was then and there subscribed. In a word the meeting *to secure united effort was a failure!*

Mr. Murphy was deeply chagrined at the outcome, but said that the idea must

not be dropped. He proceeded to organize a corporation for the purpose, personally assuming the Presidency, and had caused the first installment to be paid in by a few friends and himself, when death cut short his effort, before the close of the year. There was no one to take his place. The public interests had no such competent and unselfish projector to follow in the channel marked out by him.

As a result, Brooklyn is "gridironed" with a score of miles of the locomotive-style of elevated railway, and speculators are reaping a rich harvest at the expense of unsophisticated realty owners, who ignored the "ounce of prevention" and have yet to try the "pound of cure."

Any student of the subject can in the present condition of Fulton Street, in that city, see a marvelous illustration of the extent to which a community which ignores "looking before leaping," can be imposed upon.

The last deduction that will here be made is embodied in the following question:—if President Murphy with all the prestige of his position and influence could not inspire confidence enough to secure $50,000 in Brooklyn for an illustrative section as proposed, what measure of credit is due to Mr. Harvey for obtaining over $200,000 for a like purpose in New York, fifteen years earlier, when the feasibility of elevated railways with any style of motive power was publicly, and it may be said, generally derided?

It remains with the reader to supply the answer.

CHAPTER XIV.

The State of New York *versus* Its Honor.

The reader's attention was last called to the attitude of the State in relation to the Law of 1885, enacted by the Legislature, approved by the Executive, but invalidated by the Judiciary as set forth in Chapter XI.

The attempt of the City after the Judicial decision of 1886, to surreptitiously gain legislation in 1868, authorizing it to misapply the fund earned by Mr. Harvey's original investment, and his effective exposure of the plot, as shown in Chapter XII, brings the history of the case down to 1888. At the Legislature of that year Mr. Harvey presented a petition asking for farther investigation of his claim; this was granted, and the matter referred to the Committee on Claims, consisting of three Senators. Authority was given it to sit during the recess between the Legislatures of 1888-89, and after making a report of 25 pages in 1888, it concluded the record of its labors in 1889, with a supplement of 122 pages which is one of the most exhaustive documents ever published by the State.

The Committee invited Mr. Harvey to make a statement of his case in all its bearings, and he did so. No one can fully appreciate its strong points unless studying it with the drawings and illustrations included. Incidents and statements of facts in these pages are largely taken from it, or from former legislative reports, to which it refers. Mr. Harvey was understood to say that, the report of 1889 completed the presentation of his case to his entire satisfaction, and that he should rest his claim for the future on what had been thus proven as to the past. And in my opinion he might well say this, for the writer believes no other inventor or promoter has ever pursued a like policy to the extent of having contemporaneous proof furnished to the State and recorded in its archives. Thus, in 1866, appeared the State Commission's findings in Mr. Harvey's favor, a report of 128 pages

In 1873, the special investigation ordered by the Assembly, . 116 "

In 1882-3, Senate Document 40, referring to evidence taken before Railroad Commissioners, and printed by order of the Senate. Comprising in both documents, ... 213 "

Carried forward, 457

Brought forward,	457	pages
In 1884, Special Report, Grievance Committee, Senate, . .	5	"
In 1885, Special Report, Railroad Committee, Senate, ...	26	"
In 1887, Printed Minutes of statements and arguments before Committee on Cities, Assembly,	57	"
In 1888, Special Report Senate Committee on Claims, Document No. 60.	25	"
In 1889, Supplementary Report, same committee, Doc. No. 21,	122	"
Total pages, . .	692	

The proof thus afforded is minute and conclusive on every point, and if the State of New York does not liquidate this claim, it will not be because there was lacking abundant and authenticated proofs of its merit.

The investigation made by the Committee on Claims of the Senate, by its order during the years 1888-9, deserves further special mention.

The Chairman, a leading business resident of Eastern Long Island, was well versed in practical mechanics, and possessed the confidence of all who knew him.

HON. S. S. HAWKINS,
Chairman Committee on Claims.

His associates were Hon. E. S. Ives, a distinguished lawyer of New York City, and Hon. E. F. O'Connor, a lawyer, resident in Brooklyn.

The support afforded to Mr. Harvey by a few New York business men under the lead of Ex-Gov. Fairbanks, as mentioned on page 106, had enabled him to utilize a short section of track, within an hour's ride from the City, and to place revised motor-equipment thereon, thus affording a visual idea of his general plans of 1870 with most of the subsequent improvements which he then had in view.

The Committee inspected this illustrative section, and in its report alluded to the exhibition in the following words:

"That the proof of good faith on Mr. "Harvey's part, as an experimental dem- "onstrator of a new system of motive "power, was conclusive. Your committee "was convinced that he is prepared to "come before the public with an exhibi- "tion of rapid transit methods of special "importance."

It subsequently met in New York, to hear expert testimony, and the opinions of representative business men, who, like the Committee, had witnessed the same demonstration of the novel plans.

The following extracts from the report, indicate some of the surrounding circumstances.

Friday, November 23, 1888.

Committee met at Parlor 177, Fifth Avenue Hotel, at noon.

Present—Senators Hawkins and Ives, and the clerk acting as stenographer.

The Chairman stated that the subject the committee now had under investigation was embraced in the second clause of the petition of Charles T. Harvey, as referred to it by the Senate, reading as follows:

"Second. Whether sufficient proofs are obtainable to warrant the decision by the Legislature that the welfare of the chief cities under its control, in the important matter of obtaining the best forms of rapid transit, demand a practical demonstration of my improved methods for that purpose under the special sanction of and encouragement by the State?"

Upon invitation, three of the most eminent of American engineers gave testimony of their confidence in the ultimate success of Mr. Harvey's plan, which they had recently inspected; and certifying to its comprising the best system for city transit purposes within the circuit of their observation.

Thomas C. Clarke, the eminent engineer, who was one of the three experts referred to, testified to having had under his charge the construction of railroad bridges, reaching more than one hundred miles if joined together: (Among these the Hawksbury Bridge of Australia and the Poughkeepsie Bridge stand pre-eminent.) The next on the list of engineers was Charles Macdonald, the managing owner of the largest bridge-building works in the United States; while the third examined was that Nestor of American engineers, Genl. Thomas A. Davies,—a graduate of West Point—who supervised the surveys of the third Amer ican railway built on this continent, and who at the outbreak of the Civil War became one of the foremost division commanders in the Federal armies.

Genl. Davies was also examined as being the owner of extensive business properties on Broadway. He testified that he had actively opposed all other plans as detrimental to his interests, but that he believed that a railway upon Mr. Harvey's system would be a benefit and he was ready to give a binding consent, in so far as it passed before his property. Messrs. Clarke and Macdonald testified that they were the Engineer-Directors of the Brooklyn Bridge, to whom all matters of professional and mechanical concerns in connection with that notable structure were referred. That to test the question whether the system of cable traction in use upon the great thoroughfare could be improved, they advertised for plans and had recently received hundreds of them comprising, as they believed, all the latest ideas of mechanical development in that line; but that none appeared to them so complete for passenger railway purposes as the method exhibited to them by Mr. Harvey. Also, that for a complete demonstration of Mr. Harvey's plans upon a scale commensurate with their importance to the City of New York, an expenditure of $250,000 would not be excessive, and hence, for that purpose alone, the use of the experimental fund, as recommended by the Committee in its report of 1888, would be a very moderate allowance.

It will be seen that these endorsements as to the superiority of Mr. Harvey's engineering plans were as complimentary as they were conclusive.

Following these distinguished experts were representative reality-owners and business experts. I mention first, James McCreery, Esq., senior partner of one of the most extensive mercantile establishments in the City, who testified to his ownership of Broadway stores, beside that rented and occupied by him, which alone covered 17,500 square feet of surface.

He confirmed the opinions of the engineers and concurred with Genl. Davies in desiring in front of his stores such a system of transit as Mr. Harvey proposed, as a matter of both business and public convenience.

At the conclusion of Mr. McCreery's remarks came Mr. Darling, senior proprietor of the famous Fifth Avenue Hotel, the first among the men in his business to utilize the advantages of an elevator, who testified that, as the owner of buildings upon Fifth Avenue and Broadway, he fully concurred in the views of those preceding him.

The third witness, representing numerous owners of first-class City property, was the eminent jurist, Hon. E. L. Fancher, formerly Supreme Court Judge, but now the attorney of several large Broadway properties, including the Hoffman Estate and the Methodist Book Concern, the entire block on Fourth avenue, owned by the American Bible Society, (of which he was the President,) besides others in various parts of the City. His opinions coincided with those of the gentlemen preceding him, and were as clear and comprehensive as can be expressed in language. Those who desire to read the testimony of these distinguished witnesses, as reported by the Committee, can find it upon pages 5 to 19 inclusive, of Senate Document 21 of 1889.

I deem it a certainty that no impartial mind could reflect upon that evidence without conceding that the proof of the superiority of Mr. Harvey's original plans, even though suppressed for nearly twenty years, was complete. In the light of these statements and explanations not the shadow of excuse remained for the persecution and

robbery to which he had been subjected during nearly the term of an average business life.

After concluding the taking of testimony in New York City, the Committee requested Mr. Harvey to make a written statement of his case, which was furnished and is printed in the report.

Therein Mr. Harvey intimates that the statement is the last that he will make public and he consequently reviews the quarter-century since he had devoted himself to the solution of the great problem of rapid transit for cities.

To be appreciated it should be read. A review of it will not be attempted by me, but one feature in it will be referred to at the close of this chapter, to illustrate the risks and losses which even a State may incur in denying justice in cases of this kind.

To resume the thread of this narrative, it remains to be added that the Committee received the following communications from the City Comptroller.

CITY OF NEW YORK, FINANCE DEPARTMENT, COMPTROLLER'S OFFICE, *April* 18, 1888.

HON. S. S. HAWKINS,
Senate Chamber, Albany, N. Y.

DEAR SIR. — I have the honor to acknowledge the receipt of your inquiry of the 17th inst. in relation to the amount received and now standing to the credit of the Greenwich Street Elevated Railroad Fund, under chapter 489, Laws of 1867, and chapter 855, Laws of 1868.

In reply I beg to state as follows:

Amount received to date, -	$224,546.74
Amount paid October, 1886, to Robert E. Deyo, for professional Services, etc., in Court,	1,768.62
Balance, - -	$222,778.12

I believe there are some claims against this fund which have not been paid.

Respectfully yours,
THEO. D. MEYER,
Comptroller.

This proved that the revenue of five per cent. on the net earnings of Mr. Harvey's original outlay had accumulated beyond the sum necessary to repay the principal, and would require but a short term longer to liquidate the interest thereon.

The Investigating Committee made its final report January 9th, 1889, in which it referred to its prior report of 1888, merely adding thereto that, in compliance with the order of the Senate, it had inspected Mr. Harvey's exhibits of the merits of his resumed original plans, and that the proofs of his good faith in claiming superiority "WAS CONCLUSIVE."

The following paragraph is quoted from the same report:

"The committee obtained the views of "representative men of the highest grade, "both as engineers and as property-own-"ers, and, as appears by the testimony, "their opinions were unanimous and em-"phatic that the public interests are in-"volved in having a public demonstration "made of the merits of Mr. Harvey's "plans."

The Committee, in its earlier report, summed up the case as follows:

"In the light of these facts, does not the dignity as well as the honor of the State require farther steps to be taken? Your Committee so concludes for the following reasons:"

"*First.* The findings of the Committee of the Senate of 1884 and 1885 that the honor of the State is clearly pledged to at least return to Charles T. Harvey the sum of $206,611.70, which he procured and expended upon the illustrative section of elevated railroad to show a system of cable traction power, which he was not permitted to finish, as required by the law authorizing him to commence the same, because overpowered by illegal means in the nature of a conspiracy, which the State, by subsequent enactment, condoned and confirmed without suitably protecting his labors as an engineer or his rights as a stockholder, is a conclusion that has not been controverted by any of the opponents of making the law of 1885 effective, and may, therefore, as well as for inherent reasons, be accepted as unanswerable and self-evident."

"*Second.* The opposition of the authorities of the City of New York to the conclusions of the legislative and executive departments of the State, in this case seems to have ignored the element of further benefits to arise to it from the completion of the suppressed experiments as unworthy of its notice, and your committee is of opinion that the State should not pursue that feature of the case farther until the City or its citizens solicit the aid of the State, as was the case when the first rapid transit commission was created. Had the

City consented to let the law of 1885 take effect, without litigation, practical illustrations of new and improved methods of rapid transit would have enabled it to judge of their comparative merits long since, but as the City has steadily rejected the proposed benefits from that line of action, the State may not feel called upon to compel its acceptance, but proceed to legislate solely to protect and to vindicate the good faith of the State in the premises."

"*Third.* Your committee coincide with the committee of 1885 in reporting, that the honor of the State demands that it make reparation, and now recommends that the amount of money paid out by the engineer upon the original illustrative section, wrested from his supervision before its completion, should be refunded to him by the State as a simple act of justice and *without conditions.* Also that if with that sum he shall proceed to demonstrate to the satisfaction of chosen representatives of the State, that his original plans as perfected are superior to those adopted upon the elevated railways which by State permission suppressed the plans he might have perfected at the outset had the laws for that purpose been enforced at the proper time, then, in such case, legal interest shall be allowed and paid to him as due annually from the date of the acceptance by the State of the original illustrative section, until such interest has been fully paid."

"*Less than this your committee considers that the State cannot do without compromising its honor, to one whom it invited to rely upon its good faith.*"

The committee reported the Bill for a Law in accordance with the principles set forth in the third paragraph of its report last quoted.

The Legislature passed the Act in the form recomended by the committee by a vote of 19 to 4 in the Senate and 81 to 8 in the Assembly, and the bill was sent to the Executive Chamber on the ninth day before adjournment, which brought it under the conditions mentioned in Chapter I, page 3, that if not signed within thirty days after adjournment it failed to become a law without the Governor being obligated to give any reason for his non-action. *Such was its fate. It was* NOT *signed; and no reasons were given.*

The writer was a witness of the untiring efforts of the City officials, represented by Ex-Corporation Counsel Beekman,* to delay the passage of this so evidently meritorious law which preserved the feature of a new illustrative section of elevated railway and motive power upon the original engineer's revised plans being provided for State inspection, with the payment of interest upon the original outlay entirely contingent upon its superiority being proven, under the following explicit provisions:

"To the said Engineer, or his legal repre-
"sentatives, an amount equal to the in-
"terest upon the sum mentioned in the
"first paragraph of this section from the
"date of the acceptance of the said experi-
"mental section by the State, until paid,
"at the rate of six per cent. per annum
"computed annually, but, under the pro-
"viso that if within one year after the pay-
"ment in full of the sum named in the first
"paragraph in this section, or at any time
"prior thereto, said engineer or legal
"representatives, or a trust company desig-
"nated by him as his trustee for that pur-
"pose, shall have caused to be constructed
"by a duly authorized railroad corporation,
"or otherwise, within the counties of New
"York or Westchester, a new illustrative
"section of an elevated railroad, not less in
"length than that provided for in chapter
"four hundred and eighty-nine, laws of
"one thousand eight hundred and sixty-
"seven, and operated by the same style of
"motive power as therein specified, with
"such improvements as said engineer had
"in view when his original experiments
"were suppressed, as aforesaid, and shall
"have invited the governor, the president
"or president pro tempore of the Senate,
"and the State Engineer, to personally, or
"by an advisory inspector designated by
"either of them, inspect the operation of
"said motive power upon said section, and
"that they, or a majority of them, shall file
"a certificate with the State Treasurer that
"the style of motive power thus illustrated,
"should, in their opinion, have been duly
"adopted upon the routes authorized by
"the laws in regard to the experimental
"railway hereinbefore mentioned, as
"superior to that subsequently used there-
"on, such allowance of interest shall be
"made as compensation for the loss of
"time and income incident to the sup-
"pression of experiments aforesaid. But
"in case the illustrative section aforesaid is
"not furnished as thus indicated, or the
"State authorities as mentioned shall not
"deem it as demonstrating such superiority
"upon inspection, then the said certificate
"for the treasurer shall not be delivered,
"and the payments conditionally author-
"ized in this paragraph shall not be made."

This form of enactment eminent legal counsel advised avoided the objections

*This is the person who, as Corporation Counsel, advocated in 1888 impracticable transit plans, as referred to on page 30.

the city officials as sustained in the courts, and yet followed out the theory of a State inspection as adopted in the original laws to which the Elevated Railway system owed its existence, and under which the precedent was made of a Governor making such inspection in person, as mentioned on page 45.

What better evidence of good faith on the part of the claimant could be presented?

Yet the Governor did not approve of this Bill nor gave his reasons for disallowance of the same.

To the writer, however, he personally expressed a disinclination to be constituted a judge of merit in such matters, but intimated or rather gave positive assurances that the Bill with this feature eliminated would receive his approval.

THUS FAR AS TO 1889.

THE LEGISLATION OF 1890.

It was determined by the Claimant and his friends that the Governor's views as expressed in 1885 and subsequently to disallowing the Bill of 1889 should be strictly adhered to and which was done in the revised bill reported in 1890.

Again a bill was introduced, to turn over to the exclusive care of the City officials, for ordinary municipal purposes, the fund earned by the experimental railway; and again did Mr. Harvey feel constrained to appear personally at Albany before the Committee on Cities of the Assembly, to oppose the same infamous measure that in 1887 called forth his remarks, as quoted in Chapter 11, page 98.

This time he wasted no effort in reiterating the statements and arguments of former occasions, or those contained in public documents, none of which had ever been controverted; but he proceeded at once to analyze the motives and record of these self-assumed reformers, and vigilantes in the service of the City, and his remarks will be quoted from, as follows:

STATE OF NEW YORK.
IN ASSEMBLY.

COMMITTEE ON AFFAIRS OF CITIES, MET IN ASSEMBLY CHAMBER, 3 P. M., APRIL 8, 1890.

Mr. Charles T. Harvey being present by appointment to be heard in opposition to Assembly Bill No. 1206, entitled "An act to amend section 2 of chapter 855 of Laws of 1868, etc., etc.," but the time of the session being fully occupied with the hearing in the matter of the water supply of the City of Syracuse, he asked for and obtained permission from the Chairman to print his remarks and furnish the Committee with copies in lieu of a personal presentation at a later date, and he subsequently submitted the same as follows:

Mr. Chairman and Gentlemen of the Committee:

This Bill, No. 1206, it is understood, has been drafted and its passage is advocated by certain officials of the Finance Department of the City of New York. No one can disprove or probably will dispute the proposition that the government of that City has its ill-repute the most widely disseminated of any municipality in Christendom. Where on the civilized portion of the Globe can one go and find persons of ordinary intelligence, and of ordinary acquaintance with political and social affairs, who have not heard of the chicanery, frauds and corruptions of the so-called government of that City? And the end of this unenviable notoriety is not yet, as the investigations by Grand Juries and by Legislative authority of the present year fully attest. We need not dwell longer on this, a topic so generally bruited that the American citizen abroad blushes for his country and for this State, whenever the subject of the corruption in the administrative affairs of that metropolis is mentioned before him, as a standing reproach to our institutions.

Now, Mr. Chairman, I am about to make and am prepared to prove, the assertion, that of all the disreputable and vile records of that municipality, none have been so thoroughly and so shamelessly bad as the measure proposed in this Bill.

Let us follow the history of its development from base to pinnacle, and see what sort of a structure it is. * * * * *

[Here followed a review of the case and mention of facts already stated in preceding pages.] * * * * *

GENTLEMEN OF THE COMMITTEE: I have thus reviewed the action of the State in the matter; let us now consider the record of various City officials in connection with this subject.

When the Legislature had authorized me to proceed with the building of the trial section, and I commenced construction work, I was confronted by sundry

ward-politicians holding City positions of some local importance, who sent word to me that unless I paid so much money for their good will, I could not go on with the work in their ward; and they soon began to make things very troublesome for my workmen. I found it was becoming a serious matter. Finally, they in a body made a demand for peace-money, and, unwittingly, in the presence of witnesses; I forthwith had them all taken before a Police Justice at the Tombs, and produced proof of a conspiracy to intimidate me, etc. I thereupon discovered that one of the accused was an officer of the Court; coincidently, when the case was heard, the Judge discharged them but severely reprimanded me "for casting such reflections upon gentlemen of the high character of those before the Court," and intimated that if I continued to annoy such "worthy Citizens" he might deem it best to punish me by fine or imprisonment! I bowed myself out, and began action on the same charge before another tribunal, and despite threats of bodily harm, pressed the matter until overtures for a truce came from the plotters, with the result that I was exempted from paying one cent of tribute to any City official during my engineering work.

My next encounter was when the City "ring" of 1871 concluded to enter the rapid transit business on its own account, and with Tweed in the Senate, passed the Charter (Chapter 300 of Laws of 1871) for the Viaduct Railway, with power to bond the City for $5,000,000, as a beginning, and leaving a door open for the procuring of ten or twenty times that sum upon the credit of New York and Westchester counties.

The only difficulty that stood in their way was the pioneer elevated-road, from which, by a thieving conspiracy, I had just been ousted.

To save the enterprise thus imperiled, I was compelled to come to the front; and it is proven in the testimony under oath taken by the first of the Legislative Investigating Committees (1873) that, but for my personal influence and the money advanced by me for expenses, the City officials would have had the Elevated Railway structures torn from their foundations within thirty days. It was also proven by evidence under oath and never questioned, that the City officials offered my representative $50,000 in City bonds, (bearing seven per cent. interest) if he and myself would withdraw our opposition and let the bill pass, authorizing the City Commissioner of Public Works to use the force of laborers employed by the City to entirely remove the nucleus of its present rapid transit system. This statement sounds incredible now, but the proof is complete, even to the record of the bill and its provisions;—which passed the Senate by a vote of 20 to 9, but failed in the Assembly where my friends stopped it, when a word from me would have insured its passage. Yet, Gentlemen, that bill was not so clearly infamous as this which is now presented to you under the promptings of the City Comptroller. It is well known that, under the present elective system, the Comptroller is quite independent of the Mayor, and may not reflect his views at all on this matter. Nor do I believe that the Finance officials represent the views of the tax-payers and citizens of the City, some of whom testified before the Senate Committee in 1889 that they would willingly pay their share of a City tax, to honorably liquidate my claim. I believe that upon a vote being had a large majority of the citizens of New York with a full knowledge of the facts before them would sustain the views of the very reputable witnesses referred to.

* * * * * * *

It is a fact that the provisions of the original laws of 1867–8, which created this fund and regulated its custody and use, were enacted without conference with, or the knowledge of the city government. Its officials knew little and cared less about the fund in its incipient stages.

In 1867, the Chairman of the State Commission, Senator G. H. Andrews, about the time of making his report to the Legislature, requested me to draft a Bill to follow in the line of his recommendations.

He approved of my draft when submitted, and secured its passage as it now stands upon the Statute Book. Likewise the supplementary act of 1868 was passed precisely in the form in which I drew it, without consultation with the representatives of the city.

The idea of providing for such a fund originated solely with myself, and my expectation was that it would be applied to improvements connected with a cable traction railway, erected upon or near the curbstone line of the streets or avenues; as I expected to propose as soon as the success of that form of transit was assured, that a longitudinal space next to the curb line should be reserved for the continuous rows of supporting columns and a supplementary curb line added. To such purposes the provisions relating to the fund were germane, but for the style of railway afterwards substituted, and differently located, they had no relevancy whatever. Consequently the dedication of enough of the fund to restore to me my original outlay, from which it accrued, was emi-

nently proper, and involved no injustice to the City or any of its citizens.

* * * * * * *

Let us turn again to the attitude of the City's financial officials toward my claim.

By the introduction of this bill, without impeachment of the testimony adduced in favor of my claim to the fund, they in effect say:

First. We admit, that Mr. Harvey is the author of the rapid transit system of the City of New York, and advanced $206,611.70, prior to July 1st, 1868, to prove its practicability.

Second. That he was robbed of his property and of the opportunity to complete his engineering plans, by a conspiracy which only succeeded by ill-advised legislation,—for the effect of which the State is morally responsible.

Third. That the City officials of previous years were hostile to the elevated transit system, and by bribery and plotting, sought to prevent its merits becoming known, and that Mr. Harvey magnanimously, in view of the provocations of conspirators, saved the system from the destruction which threatened it at the hands of the municipal government.

Fourth. That the outcome of his labors and outlay has now developed into a system indispensable to the people, while the taxable valuation of realty within City limits has been thereby increased fully two hundred and fifty millions of dollars, with a consequent augmenting of the City's tax-revenues by at least five millions annually; besides which, five millions have been already paid to the City treasury in cash, as direct taxes from the elevated railways,—which now pay about six hundred thousand dollars a year to swell the municipal revenues.

Although (say the advocates of this bill) all this proven by evidence which we cannot impair or deny, yet nevertheless, we shall oppose every effort made by the State to rectify the personal injustice and public dishonor involved in such an unprecedented state of affairs!

* * * * * * *

We officials, do not question the accuracy of the statements made in the State Documents that the interests of the City would be greatly promoted by the carrying into effect of the provisions of the law of 1885 which we fought to the point of securing its invalidation, or that Mr. Harvey is the best equipped with plans of any person known, to demonstrate improved methods for rapid transit in the City, or that he is endorsed by the highest engineering authorities and the representative men of the most influential classes of the City as attested by the evidence recorded in Senate Doc. 21, of 1889.

* * * * * * *

These statements extending through a score of pages, we do not attempt to qualify or disprove, but we shall still hold on to the funds, and prevent their use for the public good, at all hazards!!

* * * * * * *

We have admitted, through our counsel, when being heard before the latest Senate Investigating Committee, that Mr. Harvey's claim was valid as against the State, but to pay it we insist that the farmers of Cattaraugus, Suffolk, St. Lawrence, and other more or less remote counties should be taxed as well as the direct beneficiaries in our City; notwithstanding that this would simply inflict a new injustice to modify an old one. In fact, no considerations of honor, expediency, or equity, can influence us to loosen *our grip on the fund!!!*

Such, gentlemen of the Committee, is the present attitude of these officials, and it is in this spirit that they ask you to pass this bill, which confessedly takes this fund from the use contemplated by the original law, *i. e.*, the promotion of the interest of the adjoining property owners, and also from the dedication which the State has ordered from a sense of justice. And what would these officials have you esteem to be their motives in pursuing this policy? Why, forsooth, "the reduction of taxation."* How thoughtful about the dear tax-payers are these meditative, and tender hearted officials!

Does not this put you in mind of "him who carried the bag," the first Comptroller in the Christian Era of whom history makes mention?

He saw an act of costly sentimentality being done and he exclaimed, "Why was not this sold for so much, and the proceeds given to the poor?" The explanation is given by unquestionable authority thus: "This he said, not because he cared for the poor, but because he was a thief, and was custodian of the funds" (which doubtless, while it remained in *his* hands,—as in the present instance—*accumulated no interest*).

The proposed act of the State to cause justice to be done to its ward,—who worked so effectually for the City,—without pay,—is likewise to some official minds mere sentimentality, and the question is asked: Why is this money not delivered over to us "*to the reduction of taxation?*"

Do not the words in the presentment made a few days since, by the Grand Jury of the City of New York, when denouncing

* The concluding lines of the proposed law reads as follows: "*And all moneys heretofore or hereafter so paid to the said Comptroller shall be paid by him into the City treasury and credited to the general fund, to be applied to the reduction of taxation.*"

the abuses in another City department, to wit: the Sheriff's office,—apply quite as forcibly to the Finance Department, namely:

"The spectacle of the individuals and "officials clearly implicated in this and "other characteristics of pecuniary corrup- "tion, shielding themselves beneath the "cloak of pretended honesty, and quietly "pocketing the proceeds of these ill-gotten "gains, is one of the most degrading and "contemptible in the whole range of the "investigation."

The Comptroller knows well, as do others, that there have been payments made from that fund in utter violation of the intent of its institution. He knows as do others that the accretions of interest belonging to it have never been accredited thereto; and whether the same is kept back as a personal emolument of the custodian, or otherwise, is not apparent from any statement yet made.

The last bill passed, as recommended by the Committee on Claims, was intended to illuminate some parts of this mystery, which it might be uncomfortable for that official to have investigated. How could such an exposure be avoided? Perhaps, by the passage of the bill before you. And what would sugar coat it for Legislative throats? The use of the phrase, "the reduction of taxation." That surely will leave a pleasant taste in the mouth, while the inner poison of glaring robbery and suspected corruption glides gently into the vital organs!

GENTLEMEN OF THE COMMITTEE:—Now that the attitude of these financiers is before us, I want to call your attention to some specimens of arrogancy on their part, which, to the initiated, are quite suggestive.

Whenever my claim is before the Legislature for consideration, you will see in those City newspapers which are known to be in favor with the Finance Department, allusions to it as a "gigantic steal" or "atrocious job" or the like. Those who "know the ropes" in such matters, understand that this is the best of evidence, that the matter referred to, is an honest measure, and that there are no percentages in it for principals or attachés of the City treasury, as has been necessary in order to obtain Comptroller's checks in years gone by,—before Tilden and others searched into departmental customs fully. Again and again have these epithets been connected with published reports of "interviews" with the City officials, and as receiving their endorsement. What offensive contempt these examples flout in the face of opinions from statesmen like Governors Seymour* and Hill,* and committees like those of which Senators Gibbs, Low, and Hawkins were Chairmen,—all of whom have recognized and pointed out the merits of this claim, and the reasons for its adjustment. Shall they or the City official critics be adjudged weak in mind, or bad at heart? Are the latter ready to submit that issue to the public for judgment?

Since my attention has been attracted to the administration of the Comptroller's office in New York City, I have seen some things which lead me to advise its occupants to remember the proverbial advice that "those who live in glass houses, should not throw stones."

The Comptroller, under whose administration the bribe of $50,000 was offered (see Senate Doc. 45, of 1885, page 24,) to permit the City to annihilate the Elevated railway system (now so carefully guarded by his successors,) I lived to see betake himself to Europe as an exile, but clutching his "boodle" to the last.

The Comptroller who litigated my claim in 1885, I learn, about that time, drew his check for something over ONE MILLION FOUR HUNDRED AND FIFTY THOUSAND DOLLARS in final settlement of another claim, in payment for thousands of worthless water-meters,—a transaction known to be a fraud upon the City, from its beginning to its end, and yet he never secured an interview to denounce it as "a gigantic steal" or "atrocious job," as in the case of my just claim! How strange that he should be so partial! The present Comptroller, I learn through the press, by means of statements publicly promulgated at the time, had a little unpleasantness break out a few months since, in one corner of his department, to wit: in a city market,—when over a half million of dollars of loss through frauds and embezzlements were discovered, and the book-keeper discourteously transported all the incriminating books and vouchers into another State. That little incident did not seem to ruffle him nearly so much as this movement on the part of this State to call for an unused fund in his official possession, with intent to return it to the proper owner, who advanced the principal of it upon faith in the honor of the State!

The Comptroller is not moving for any law, as far as I can learn, to increase the protection of the City funds against delinquent book-keepers, but he is in deadly earnest against all disturbance of the elevated railway improvement fund, except to turn it over to himself without scrutiny, simply "*to reduce taxation*," don't you know?

At the end of five years from this date, if both these later incumbents of that office are not classed in the public mind as having done damage to the City of as

* See pages 90, 91, 92.

positive a character as their predecessors in the Tweed régime, some experienced observers will be proven to be false prophets.

GENTLEMEN OF THE COMMITTEE, In conclusion, I have to remark that among other slurs cast at me by these official patriots has been that of being an "adventurer," as though they were founders of social order on Manhattan Island, while I was a homeless emigrant seeking a gratuity or a "job," at their hands. This tempts me to relate certain incidents which occurred a hundred years apart, but not without connecting links between them and myself.

The first was when one morning in 1776, nearly forty thousand European troops landed upon Manhattan Island, at the foot of what is now East 23d street and began their march toward the Hudson River. Washington with many of his famous generals were in quarters farther down the Island, and, as hostile fleets commanded both rivers, their only chance to escape capture, with the five thousand militia under their command, was to gain time by holding in check the advancing columns of the enemy.

This meant hard fighting by a "forlorn hope," but a Volunteer Colonel* was found in whose heart fear was unknown. Leading his regiment to the corner of Third avenue and 23d street, and facing the enemy, he opened fire at the odds of less than one to thirty. His firm front held the foe in check for a time; but at last, his thin line being broken and he himself being wounded in the mêlée, he was captured and taken to where the Colonial City Hall then stood, there to die. He was buried where the "Times" building now rears its lofty height, with the honors of war, especially accorded by his captors for his bravery.

But Washington, Putman and the rest had escaped while he fought; and for such a gain, he was content to yield his life. In the fight referred to,—the only battle ever occuring in that city,—the commander's valet alone escaped by fleeing northward, carrying with him the brave Colonel's medicine case, caught up when leaving his tent.

When this token arrived at the home of the Colonel in the valley of the Connecticut River the tidings were brought of the capture to his wife. Waiting for nearly a year afterward to learn the sad fate of her patriotic husband, she caused a stone to be erected as his memorial, though his body was not like his tablet, ever to be united with hers in the spot where I recently read the inscriptions placed thereon, to his memory and that of his faithful widow. I have, in my youth, listened to the tales of those times beside the same hearth, from whence the first martyr for liberty in New York City went to its defence, for he was my mother's grandsire. When the Committee designated by the Senate to investigate my claims upon the City notified me that they would do me the honor of being my guests on a certain day in 1888, I sent for the medicine case which the valet carried with him in his flight, and it was returned to the City, for the first time since that battle which, perhaps, decided the future of the government of the City, State and Nation; for, with Washington and his generals captured as rebels, what hope remained for the success of the revolution, and the inauguration of our present form of government?

The Senators filled the glasses found in the case, to the memory of the man who could thus die for a principle and for his country. Being myself his representative on that occasion, I was evidently considered by the Senators not to be an "adventurer," at least in *that* connection!

If there were any Myer's or Loew's in the fight during the emergency referred to, might they not be supposed to have been among the Hessians of that time, who were fighting, not from local patriotism, nor for their country's authority, but solely for hire; and if then engaged from such motives in an attempt to prevent the founding of this State, were they as dangerous to its true interests as those of a later generation, who for official perquisites, are to be found on the hostile side in the struggle of the State to preserve its honor in the contest now being witnessed by you?

"Thanking you for the attention to these remarks upon this bill, I now leave it in your hands."

CITY OFFICIALS AS SYMPATHETIC MENAGERIE KEEPERS.

One more current incident in City affairs will be added: While certain officials are unanimous in endeavoring to rob the City's greatest benefactor, they are divided on the issue of spending the, to them, insignificant sum of $300,000 (out of an annual municipal revenue of $35,000,000,) in moving a menagerie, maintained at public expense, from one side of the Central Park to the other. The citizens with residences fronting on either side do not wish it in sight, and hence this controversy. Municipal expenditures of this nature which are but copying some of the

*For name and further particulars see appendix.

features of government exercised in pagan Rome, (then including amphitheatrical displays, at municipal expense, where the tortures of members of the despised sect called Christians were sometimes added to the attractions for the multitude), have already cost the City of New York millions, (perhaps from the fact that the expenditure of appropriations for such objects are difficult to trace). Nevertheless they are maintained from year to year, while honor and equitys are dealt with as were martyrs in the days of Nero. *

A STATE'S HEAVY PENALTIES FROM INJUSTICE.

Before leaving the subject of the position of the State in this connection, I desire to call attention to one unique feature of Mr. Harvey's statement in the Investigating Committee's Report to the Senate of 1889. He narrates an incident in the history of the State of New York as proof that there is risk even to a State in ignoring inventive and promoting talent as unworthy of fostering care and encouragement. † It is found on pages 106-7-8:

* * * * * * *

"It is often said that 'demand creates supply;' that 'public necessities bring suitable talents to the front,' and 'if one man does not fill the bill another will.' But history does not bear out this assumption, especially when time is taken into consideration."

"That the necessities of the City of New York would have brought rapid transit facilities to it in some measure, at some future time, had I never appeared upon the scene, there can be no doubt. But that it would, without my efforts, have secured it *as a convenience to the masses*, without assistance from the municipal treasury, and as rapidly as it did, is entirely improbable. This may be said to be proven by a parallel case as to time, and also in other surroundings, as follows:"

"In 1868 I saw that a modification of my cable traction power, then in experimental use upon the elevated railway, would solve the problem of steam towage

*[THREE HUNDRED THOUSAND DOLLARS TO PLACE WILD ANIMALS IN SUNNY QUARTERS, WHILE HUMAN BENEFACTORS ARE "LEFT OUT IN THE COLD!"]

FROM NEW YORK DAILIES,

APRIL, 1890.

"All the members of the Board of Park Commissioners with the exception of Commissioner Gallup were present in the Board room yesterday morning when a delegation of west-side property owners swept down upon them. The attack had been invited by the recently announced intention of the Park Commissioners to transfer the menagerie from its present site in Central Park near Fifth avenue to another portion of the Park on the west side, between Ninety-seventh and One Hundred and Fourth streets."

* * * * * *

"Commissioner Borden wanted the board to authorize the issue of $300,000 bonds for the purpose of removing the old menagerie cages and fitting up the new (authorized by statute of 1889) W. P. Daniels spoke for the protestants. He said that it was an outrage to remove the gardens from Fifth avenue because they were disagreeable to the residents, and place them on Eighth avenue, where they would be equally as objectionable. Commissioner Borden said that the Park Board had examined the situation very carefully, and had decided on the plot named as the only available place in the Park. *The animals should have a southern exposure*, and this is the only place where such an object could be obtained.

* * * * * * *

"J. A. Beall, who discharged the first shot at the advancing army of wild beasts, said that he represented about $4,000,000 worth of property the owners of which most strenuously objected to the establishment of a menagerie in that locality. He differed with Mr. Olmstead and others who had said that the proposed site was protected from north winds. He thought that the winds thereabouts were such that the fragrance of the lions, kangaroos and monkeys would be distributed among the best residences on the west side. An elderly gentleman named G. Washington Ford made remarks in the same strain, and Geo. W. Poucher declared that if the animals came to live over that way he would be glad to offer his property for 20 per cent. below its present price. Charles Daniels, a son of Judge Daniels, was also "loaded for b'ar," and Killeen Van Rensselaer remarked that the animals attracted large crowds of very rough and noisy people on the Sabbath day, and he didn't wish to see the beautiful west side invaded on Sundays by these excursionists."

FROM N. Y. TRIBUNE,

APRIL 29, 1890.

(*Special*)—*Albany, April* 28. 1890.

"A delegation of Eighth Avenue property owners came to Albany to-night with a Bill intended to prevent the removal of the Central Park Menagerie to the west side of the Park for which $300,000 was appropriated at the last session of the Legislature."

[† For a further illustration of this risk see note in appendix.]

upon the Erie canal beyond all question, and did not involve a moiety of the difficulties in the adjustment of its application that the railway conditions did. I found time to build a model to be operated by steam (as I did for the elevated plan a year previous) and took it to Albany. I also took out a patent for some of the leading features of the plan."

"The man who had consulted with Governor DeWitt Clinton upon the same question, *before the Erie canal was finished*, and who had made models and experiments with him, in which they had exercised their brains for days, if not months, together over the problem of cable power, without being able to see how to avoid certain difficulties, was then living in the person of Peter Cooper* the eminent philanthropist (who also himself started the first locomotive on its first trip on this hemisphere), and he said that the very difficulty which led Governor Clinton and himself to abandon the attempt to introduce cable towage on the opening of the canal he saw solved by the first glance at my model! He forthwith signed a petition to the Legislature (which I now have) asking it to give my plan immediate attention."

"Canal-boat captains of life-long experience said that it was the first and only plan they had ever seen that conveniently afforded power to pass boats through locks. The late E. O. Perrin, then clerk of the Court of Appeals, was so impressed that he published a pamphlet calling attention to it as the long desired desideratum for the canal. The data was obtained from me on which he made the prediction that the Belgian system, then advocated, would prove a failure, as it did, after half a million or more was subsequently wasted in the experiment. I was then willing to undertake to put up an illustrative section of ten miles, at private expense, by getting capital associated in a company to do so for the privilege of applying the system on the entire length of the canal, under bonds to reduce the towage rates and towage time each not less than twenty per cent. In confirmation of this I invite an inspection of Senate bill No. 482, of session of 1869, entitled '*An act to promote mechanical towage on the Erie canal*,' in which my name is inserted as the proposer of such new method, etc.

"My estimate of the expense of the illustration was $150,000, and there was no doubt that the money could have been privately raised, although I did not test that part of the proposition. Opposition springing up, I found that one Senator was retained by the horse-towing companies to defeat any such plan, and was doing it by dilatory motions and measures very effective for the purpose; also that the 'lobby' thought that there was 'money in it' and made plans accordingly, which disgusted me so thoroughly that I sent the model back whence it came and gave no more attention to the matter from that day to this; and I did wisely. My elevated railway obstructers nearly drove me wild, and the other in addition, would, I am sure, have quite finished me. But did a substitute promoter appear?

"NOT YET! Had I been then encouraged, the illustrative section would have been built the next season and a complete success demonstrated. The following year would have seen the system in full operation from Albany to Buffalo. The transit time and cost would have been reduced one-third, trips could have been scheduled like railway train time tables, and the capacity of the canal doubled without further expense or enlargement. About 100 stationary engines and 500 attendants would have done the work of the 20,000 horses and 16,500 drivers then and since employed in the most dreary business as yet unchanged by modern appliances. The State was then in receipt of a net revenue of two millions a year from the canal, which is now changed into an annual deficit of a million. With my improvement the former annual income could have been kept good to date. The boat-owners would have been prosperous and the boatmen would have had an easy and permanent employment, where a 'dry rot' is now consuming both the property and the avocation. The difference in values to the State, including revenue and capitalized value of its canal property, may be now estimated reasonably at a loss of from $80,000,000 to $100,000,000, and to boat-owners and employés from $30,000,000 to $50,000,000 thus far to date.

"Yet who among the Legislators thought at that time—1868-9—that the withdrawal of my proposition was of any importance?

"The contrast between this canal example, and the history of the rapid transit

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The following is a foot note attached to Mr. Harvey's statement, page 107.

* The venerable Peter Cooper further informed me that at that time when Governor Clinton and himself were studying up the problem of towage for the Erie canal by traction cables attached to stationary power, he caused an experimental section to be erected in a shallow bay near New York City, where he went in company with the great statesman, and they were towed along the line of supporting posts in a yawl boat, to form conclusions as to the practicability of the theory! This incident is interesting as indicating the importance attached to experimental investigation in former days.

railway, which I pushed to a demonstration and saved from annihilation afterward, needs no further comment."

* * * * * * *

Here then is the spectacle of an individual practically saying to the State, "You have treated me in a manner so dishonorable with regard to permitting law-defying conspirators to forcibly prevent the completion of my engineering plans upon the original '*Experimental* Railway,' as required by the Statute authorizing the same, notwithstanding my most earnest protest to the State at the time* (see form of same in marginal note) and also in respect to restoring the two hundred thousand dollars or more taken from me by unjust, and (as alleged by the Press, see page 84) corrupt legislation, that you have lost my confidence, and I have not cared to furnish you with any further improvements, such as I could have done twenty years ago in respect to your canals,—improvements which would have brought one hundred millions of dollars to your treasury, either as actual income, or in marketable cash values, at this date. As a proof of this, I refer to your own records as to my proposition, and to other evidences of fact, from which your representatives can make the computation."

The writer is a witness to the truth of the statement as to the model. I saw it in process of construction at Mr. Harvey's offices, and afterward on exhibition, first at the Produce Exchange in New York and then in the Capitol at Albany, and can testify that it was far more perfect in its operation than the first model made by him of an operating elevated railway. The model was a metal-lined tank about ten feet in length, upon a scale proportionate to the Erie Canal. A miniature stationary-engine and a diminutive cable, connected by grappling appliances to canal-boats of a proportionate size, drew the entire series of little crafts, although one half of their number was always pursuing the direction contrary to the others;—this being effected by an ingenious device by which the boats automatically reversed motion at the end of their route, so that they kept on meeting and passing one another without attention, so long as steam was maintained. The young man then in charge of this model, is to-day track-master of the elevated railways of New York City. I have a copy of the pamphlet put forth by the late Hon. E. O. Perrin as referred to by Mr. Harvey and also have seen the original petition of the late Peter Cooper to the Legislature with his signature attached, wherein he urges favorable and prompt action by the State to secure the illustrative section which Mr. Harvey then proposed to furnish.

That the estimate of one hundred millions as the loss to the State is without doubt very moderate,—in fact, quite under the actual results,—I do not believe any expert in such matters will dispute.*

With this collateral and significant incident thus noted I will terminate mention of this phase of the surroundings of THE MOST NOTABLE ROBBERY OF MODERN TIMES!

* Mr. Harvey when under examination before the Investigating Committee of the Assembly, April 10, 1873, entered his protest in the following words: as appearing in Ass. Doc. 33, of 1873, and also quoted in Senate Doc. 21, of 1889.

* * * * * * * * *

"*An engineer, who furnished the first practical "ideas of what is now an unquestionably successful "method of rapid transit, should not be left to be* "CUT OFF BY FRAUD FROM THE OPPORTUNITY OF "PERFECTING HIS PLANS *by 'due experiment' when "proceeding in good faith, and in exact conformity "to special enactments of the sovereign power of the "State; these rules apply so forcibly and clearly to "this case, that I rely with the utmost confidence on "the present Legislature to interpose its authority "in the premises.*"

The sequel proved how utterly misplaced was the confidence thus expressed by the witness!

* The yearly deficit in the expense of maintaining the Erie Canal which Mr. Harvey in his statement herein referred to estimated at $1,000,000 is, in reality, at least $2,000,000, as the following extracts from an article in a New York paper of recent date indicates. It quotes from a report made by a Special Investigating Committee in 1875 thus:

"*In view of the systematic infidelity of the agents "of the State, which this investigation has disclosed, "is it surprising that the expenditures for extraordinary repairs alone on our canals have amounted "since* 1867, *to* $5,444,824!" The writer then proceeds to remark

"This is an average of $938,314 a year. The following table shows how rapidly, under the

CHAPTER XV.

The Readers to Constitute a Jury: The Verdict.

Is the title of this volume warranted by the narrative herein contained?

The evidence in the case having been consecutively presented in these pages, the above question is submitted to the verdict of impartial readers who have fully considered the array of duly authenticated proof thus set before them.

To reject the preceding title as unwarranted a more notable robbery, in modern times, must be presented. Can this be done? *History and Humanity answer* No!

To show the trend of the circumstances brought forward in this case, let them be considered as constituting three acts of a drama presented before the reader.

THE STAGE AND THE ACTORS.

The curtain rises, showing,—(1) An Arena. (2) A Prize. (3) Contestants, and (4) A Judge.

THE ARENA:—The most important city of the Western Hemisphere, and second only among the commercial centres of the world.

THE PRIZE:—Consists of the prestige and the monetary reward of delivering millions in that city from a thraldom which annually destroyed thousands of lives and caused hundreds of thousands of cases of preventable sickness,—a thraldom which absorbed an hour of each day, or a month of each year, from the business hours of each individual composing the major part of the industrial and commercial classes of the Metropolis in penning them during that time in over-crowded and slow conveyances, amid general discomfort.

THE CONTESTANTS:—These comprise as the "DRAMATIS PERSONÆ" "Commodore" Vanderbilt, the most wealthy, influential, and progressive capitalist of the time; A. T. Stewart, the most successful, aggressive and richest "merchant prince" of that period; Wm. B. Ogden, a western pioneer, a founder of cities, who as the first Mayor of Chicago and President of its first railway line stretching westward, aided in starting that prodigy of urban development upon its race toward pre-eminence; Gen. George B. McClelland, a renowned commander of our National forces at the time of the greatest conflict for National unity; Hon. Chester A. Arthur, Ex-President of the United States, (see page 35); Hon. Wm. Windom, then Ex-Secretary of the United States Treasury, (who is again, at the present time, the chief financial officer of this Nation,) beside other prominent characters, eminent in financial, political and engineering circles; among the latter class, Charles T. Harvey, the promoter and builder of the most creditable National artificial waterway on the continent. (The Lake Superior Ship Canal. See page 79.)

THE JUDGE:—The fourth element in the present drama is supplied by the State; its Judgeship not only being inher-

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(Continued from last page.)

present rule, we have been approaching this old average:

Fiscal year ending September, 1884....	$65,553 00
Fiscal year ending September, 1885....	266,368 71
Fiscal year ending September, 1886....	92,652 58
Fiscal year ending September, 1887....	347,826 05
Fiscal year ending September, 1888....	666,585 42
Fiscal year ending September, 1889....	700,235 27
Fiscal year ending September, 1890....	600,000 00

"These sums are exclusive of the appropriations for 'maintenance and ordinary repairs,' which have been nearly $800,000 in each of the years from 1884 to 1889 inclusive, and the appropriation for which for the present year is $663,000. Even this does not cover all the money which the taxpayers are called on this year to contribute for the canals. There must be added enough for the canal debt interest and sinking fund to bring the total up to over $2,000,000."

The change from $2,000,000 income to the same amount as deficit equals four millions annually. This for twenty years alone amounts to eighty millions. Add to this annual interest and the capitalized value of the canal, which upon an income of two millions annually, would represent fifty millions of marketable values as an asset of the State, now wholly eradicated through an entailed deficit, and the total result will be found to represent a loss thus far to the State, approximating $150,000,000! *A penalty in fact for collateral injustice!*

ent in its position as the sovereign power in the premises, but also assumed and regulated by Resolution of the Senate and the State Commission created thereby, and also by Legislative Statute (Chapter 489, Laws of 1867), wherein special authority is delegated to a Board of Commissioners and to the Governor, to sit as Judges at a specified trial of merit.

ACT I.

SCENE IN THE CITY OF NEW YORK.

TIME 1866–70.

The contest goes on. One of the contestants (Harvey) leads all the others :

FIRST, *As to novelty and merit of plans;* (certified to by the Senate Commission, 1867.)

SECOND, *As to practicability*, when shown on a full scale by an illustrative section, certified to by State Commissioners, and also by the Governor in a certificate signed by him and issued under the broad seal of the State in 1868.

THIRD, *As to approval by the public at large*, which as soon as his method of transit was opened to its use in 1870, commenced to crowd its facilities and the extensions thereof to the utmost, and have continued so to do ever since, until more passengers are conveyed on it per mile each day than by any other urban railway system in the world.*

All other original competitors, and their plans, meantime, having dropped out of the race, not the slightest doubt remains as to the person to whom belongs the prize, fairly won in the contest referred to.

The curtain drops and the scene shifts.

ACT 2.

SCENE IN THE CITY OF NEW YORK.

TIME 1870–90.

Behold the prize winner, uncrowned with the laurels which had become his due, but on the contrary surrounded and overborne with a motley array of covetous schemers and plotters, who seek to insinuate themselves between him and the fruits of his labors, by means involving crime of every degree, save the grade of murder, arson and the like. Perjury, breaches of trust, misuse of legal forms, and other sinister means and methods, are brought into use, to seize the avenue to wealth which he had disclosed by his inventions and illustrative demonstrations.

John F. Tracy, the most extensive railway manager of the time, having by unfulfilled promises intrenched himself in the prize-winner's construction organization, withholds the requisite supplies and suppresses the author's experimental studies, although they are recognized as a necessity in and required by the law, as a means of perfecting what he had already done. David Dudley Field, the expert strangler of equities by perversion of legal forms and remedies, was a factor in the struggle by interposing orders for new trials on the technical difference between an "account rendered" and an "account stated," and other like subterfuges. After being counsel for Tweed at one stage when the enterprise itself was by them sought to be destroyed; at a later time he plans to harrass its preserver, and succeeds in drawing large revenues from the new creation, while keeping its author from the recovery of small sums of rightful dues, advanced from private sources to preserve the enterprise when in its utmost peril.

The harried projector is seen as compelled to run a gauntlet towards the goal of his hopes, to wit : THE OPPORTUNITY OF PERFECTING HIS UNDERTAKING. In the seried ranks of foes to his progress or profit, who each sought to deal him a blow as he passed, might be found Stewart, with his pessimistic sneers; Barnard, with his sarcasms and injunctions; Tweed, with his dictatorship; Tilden, with gubernatorial powers; Harrison, the ex-Confederate Military Secretary of the slaughter-pen record, with political and judicial "deals;" the Members of the Syndicate who signed

* Its maximum thus far, is reported at 25,000 persons conveyed per mile per day, on the average of its thirty miles of double track. Some portions of the routes, however, do double the business done upon others, and the traffic upon all is rapidly increasing year by year.

an agreement to betray the trust reposed in them; beside the motley crowd comprising the "coparceners" and retainers of such experienced leaders, together with the manipulators of rival schemes, who muzzled or misled the Press, and environed the Legislative and Executive Halls with delusions, deceits and ultimate disasters.

The odds were too great: The prize-winner never reached the goal! He emerged from the contest with his life and his personal integrity, but all else was snatched from him! Every dollar of reward, every vestige of prestige and public credit were torn away, and he had reason to be thankful that he escaped utter mental and physical ruin in the terrible ordeal through which he passed, until he broke through the ranks of his rivals and the city official despoilers, and escaped to other scenes, *leaving his objective point of perfection unattained.*

In the background are grouped the ten thousand claimants for damages to realty who would not have been injured, had the prize-winner been permitted to finish the work which the State had encouraged him to undertake; while in a side view are shown the graves of Caro and Paton, John Strickland and Rachel Steinberg (the latter slain in 1890, see pages 58–9, while this narrative was being prepared for the Press), with scores of like memorials of others killed from the same causes as elsewhere herein referred to.

In the foreground appear the representatives of the State, who permitted the onslaught to be made upon the prize-winner in its presence, and who, by law, "*confirmed*" his reward to those who employed subornation of perjury and other like means, as shown in this narrative, to grasp it.

The curtain falls with this tableau in view.

ACT 3.

IN THE STATE CAPITOL. TIME 1885–90.

It shows a protégé of the State seeking to secure the return of the $206,611.70 which he paid out a score of years before to obtain the protection of the State for the establishment and extension of the system of rapid transit now in use in the City of New York, an improvement which has added two hundred and fifty millions to the taxable value of the real estate within its precincts, which represents an annual increase of five millions of dollars in its revenues, besides nearly five millions in cash, that has been paid into its treasury as direct taxes upon the transit structures, but the progress of which the municipality opposed at every stage of its earlier development, but latterly aims to enjoy all those unsought advantages with the animus of a thief gloating over unexpected plunder!

A special fund sufficient for that purpose has accumulated as the direct earnings of the original expenditure; to this the city has not contributed a dollar, and of it the finance department is merely custodian.

The Legislature, after years of investigation, has ordered the fund returned to the rightful claimant, when the city, the ungracious recipient hitherto, of such monetary advantages, already set forth, beside the inestimable benefits also conferred upon its citizens in respect to life, health, saving of time and increase of personal comfort, comes forward to oppose that exemplification of the fundamental principles of honor and honesty.

And behold, its counsel appearing at the bar of the highest Court of Justice, sitting in the State Capitol, to urge all the technical objections which legal ingenuity can suggest, to prevent the greatest benefactor which the city has ever known, from receiving one dollar of his outlay out of its subsequent earnings! Behold them succeed in sinking the honor of the great city not only to the depths of that infamy, but of reaching to the still lower level of pursuing their victim for costs!

Again the Legislature attempts to right the wrong by a new form of law intended to avoid the technical defects adjudged as invalidating the former statute, and behold again, the city officials in the corridors and committee rooms of the Capitol,

seeking by subterfuges to mislead, or by delays to defeat Legislative or Executive action, while by their promptings, authority from the same source is obtained during the same period, to expend far larger sums in providing more luxurious quarters for the wild beasts attached to a menagerie maintained at municipal expense; indicating that had they been the officials of Babylon in the time of Daniel, they would have moved the Persian King upon finding the former alive in the lion's den, to have had the animals removed to better quarters, while the ex-Prime Minister was left to starve therein, *as a penalty for being human!!*

Let the curtain be rung down on this last act during the "tableaux vivants" of the Sheriff pursuing the City's benefactor, with a levy for costs, as a penalty for relying upon a State mandate, ordering restitution; while the City Officials are feeding delicacies to the wild animals in the cages of the local menagerie!!!

RESUMÉ.

Where can a rehearsal of public infamy be found equal to this?

Egypt can point to a Joseph...promoted-*
Persia to a Daniel.....restored-*
Bavaria to a Rumford.....en-nobled-*
England to a Watt.....protected-*
Germany to a Humboldt.....venerated-*
France to a Pasteur.....pensioned-*
New York to a Harvey.....robbed-!

Even the Cotton States of the American Union, which have thus far been credited with the harshest treatment of inventive genius recorded in history,* can point to the fact that Whitney the maltreated inventor of the cotton-gin, was not previously invited by either of those States through a Commission, to submit the plans for his great improvement to State inspection, nor was the protection of either of them pledged, by the acceptance in its behalf by its Governor, of an illustrative demonstration of utility, under provisions of a special statute, as history proves to have been the fact between the State of New York and the author of the unprecedented system of rapid transit adopted in its chief city.

To-day those nations or peoples can sit in judgment on this case and truthfully say: "Verily, so scandalous a perversion of "all that ennobles man, and dignifies gov- "ernment, has under like circumstances, "no parallel in our history!

Finally, the author turns with confidence to the readers of this statement, and claims a verdict in the interest, and for the honor of humanity at large: *That the evidence sustains the title, and that this narrative unquestionably depicts* THE MOST NOTABLE ROBBERY OF MODERN TIMES.

* For further remarks see note in appendix.

APPENDIX.

Addenda Relating to Topics Referred to in Preceding Pages.

LEGISLATIVE RECORD FOR 1890.

On the ninth of May the Session of the New York Legislature for 1890 was adjourned *sine die*.

The Harvey Claim Bill (having been delayed by the usual dilatory tactics of the agents of the City Comptroller on guard at Albany to prevent the proposed accounting of his custodianship of the special fund derived and constantly accumulating from Harvey's original outlay, as stated in preceding pages), did not pass the Assembly until the seventh of May; consequently, reaching the Senate when the hurly-burly of its closing hours was most intense, it failed to pass because of irritation engendered by delay and failure of other measures, although to the writer's personal knowledge, a majority of the Senators were favorable to its passage.

Thus the result which certain of the City officials plotted to secure, became, for that session, an accomplished fact.

But justice was not altogether foiled in this connection: the City which permitted its representative officials to thus continue for another year THE MOST NOTABLE ROBBERY OF MODERN TIMES, at the same time lost the MOST NOTABLE OPPORTUNITY IN ITS HISTORY, to add to its prestige by becoming the representative of a Hemisphere in commemorating THE MOST NOTABLE EVENT IN THE "NEW WORLD."

The four-hundredth anniversary of the discovery of the Western Hemisphere by Christopher Columbus was close at hand, and the choice of a city on the Continents of the Americas at which to celebrate the event by a grand universal exposition of the progress in the arts and sciences by Western Nations, was on the tapis, constituting a golden prize to that City which should offer such advantages of location and piedges of material aid as to secure the location of the site within its borders.

The State, the Nation, and the World at large, expected that the greatest and richest city situated on the West Atlantic Coast sighted by the Spanish fleet on the 12th of October, 1492, would, as a matter of course, be the recipient of this honor.

Aside from this distinction, New York was favored beyond other competitors in possessing, perhaps, the most desirable site for such an exhibition to be found on the continent— one to which it had but recently acquired title and included in its municipal area.

Let the student of this subject scan the outlines of the City Park of 1760 acres (or nearly three square miles in area), at Pelham Bay, and its superiority will at once appear.

Besides its miles of frontage upon the beautiful Bay opening into the western end of Long Island Sound, where exist ample space and shelter for the navies of the world, there is found the added attractions of adjacent islands, and of picturesque straits between them; an estuary also extends a mile or more into the mainland. Under the directions of skilful engineering talent, and with a moderate outlay *honestly applied*, there is here afforded an opportunity for marine display, more favorable than possessed by even Venice or Constantinople in the Old World, or Rio Janeiro in the New, because of the availibility of ample adjoining area for artistic display of imposing Exposition Buildings, which could be retained as permanent attractions ready for use at other celebrations of historical importance in this, and in future generations.

Imagination could not depict a more glorious display than might have been here realized with the aid of pyrotechnical, electric and other lights, when the islands, the straits, the buildings and grounds, with

private yachts, public steamers, sailing vessels, and visiting ships of war, became all aglow throughout harbor and park, in a general illumination for panoramic effect.

Arrangements with the Spanish nation could no doubt have been made, to fit out a fleet of the size, number and style of that furnished by Ferdinand and Isabella, of glorious memory—for promoting the venture of the sanguine Genoese sailor—and to have had a descendant of the illustrious discoverer present and in command. On the anniversary day the historic fleet might have sailed around the great City and dropped anchor near the shores of Pelham Bay, where the Commander might have been appropriately escorted ashore to raise anew the emblem of Christianity and the historic standard of Arragon and Castile. Memorial shafts or tablets would have served to indicate the localities of the quadra-centennial ceremonies and to commemorate the event for all time.

That such a pageant would have been witnessed by millions of delighted spectators, and have brought scores if not hundreds of thousands from the Old World to congratulate the New, and to behold for themselves the wondrous progress accomplished during the four preceding centuries, no one upon due reflection, will dispute. That the financial advantages to the favored City would equal tens of millions of dollars, none need doubt.

And yet, with all these natural advantages at command; with all the wealth in sight of the Commercial Centre of the richest nation on earth, New York lost the prize of this glorious possibility, in competition with an inland City, a thousand miles removed from the sea and from the coast which Colnmbus discovered! It has no single park ample and suitable, but proposes to utilize two or more parks several miles apart, while adding to one a hundred or more acres, to be annexed from the confines of a fresh water lake, of the existence of which Columbus, Amerigo Vespucci and the other bold navigators of their era, were entirely ignorant!

To have predicted such an incongruous selection, but one short year ago, would have subjected such a forecast to untold derision in this great City, as well as throughout the State and Nation. Yet to-day such a choice is veritable history!

What is the explanation?

It is very simple:

The City of New York is officially represented by its Loews, its Myers, and its Flacks of to-day. They are capable of collecting an execution for costs to the amount of $121.69 (see page 95) in favor of the City against the author of its boon of rapid transit, and of preventing the State from restoring the value of the property used in demonstrating the practicability of the invention, but subsequently stolen in consequence of corrupt legislation. Such an achievement is the summit level of their perceptions and abilites! To rise to the plane of the golden opportunity which four centuries had brought within their grasp, was above and beyond the rango of their capabilities, and the City must suffer the consequences!

Did space permit the writer to narrate all the germaine facts in full detail, he could demonstrate to the reader that the nullification of the Harvey Claim Law of 1885 cost the City of New York the Columbian Centennial Exhibition of 1892!

The wedge which split into fragments the advantages of the Island Metropolis in that regard, was the unsettled question of rapid transit to its ulterior parks—the City being "at loggerheads" on the topic, and the realty interest rising in open rebellion against a multiplication of locomotive roads. The Legislature was moved to create a commission to take charge of the matter, which movement brought political considerations to the front, and precipitated a fruitless wrangle which lasted until the moment of final adjournment, carrying down in its vortex the measure of reparation for the error of 1885, as before stated.

THE WANT OF A WELL DEVISED PLAN OF RAPID TRANSIT; AND AN OTHERWISE MATURED OUTLINE OF OPERATIONS CAUSED THE IGNOMINIOUS DEFEAT BEFORE THE NATIONAL CONGRESS, OF THE CLAIMS OF THE GREAT METROPOLIS.

The Harvey Claim Law of 1885, would, had it then been made effective, have

practically removed the deficiency last mentioned, long before the present exigency arose; but it was defeated from interested opposition to the implied calling to account of the custodian of an unused trust fund, which consideration outweighed the public weal; and now history has closed the record, and *New York must wait a hundred years!*

It is an axiom in eschatology that municipalities, States, and Nations must receive their retribution in time, as they cannot —like individuals—follow their record into the realms of eternity. Babylon, Nineveh, Thebes, Tyre and Taphanes are examples of extreme cases of supposed municipal retribution.

But of a milder type, New York may be cited as a marvelous instance of the connections between special cause and like effect.

New York has allowed the mortal remains of the discoverer of steam navigation to remain unhonored in its midst for nearly four score years, although it was the pioneer of trans-Atlantic steam navigation (the first steamer to cross the Atlantic was built in New York); to-day it does not own or control a single first-class trans-Atlantic steamer! Even Havre, Bremen, Copenhagen and Christiana outrank it in dignity of such proprietorship!

It has permitted its officials to perpetrate and perpetuate THE MOST NOTABLE ROBBERY OF MODERN TIMES, and in due time has been set aside from glorifying itself as the exhibitor before the world of the marvels of progress made in the four centuries since the Hemisphere was discovered, of which it is the leader in population, wealth and all material things, but lacking only in the one thing needful,—"PUBLIC AND OFFICIAL HONOR," to prompt it either to treat with liberality its benefactors while living, or to honor them when dead.

How significant the fact that New York's unequalled Pelham Park and Bay are to remain shrouded in gloom, while Chicago's Parks are to become ablaze with the glory of the Columbian Commemorative Exhibition!

NOTE.

Concerning Promoting by the Press.

The failure of the City of New York to secure the Columbian Quadra-Centennial Exposition, was keenly felt by its Press, which had thrown all the weight of its influence in favor of the scheme, and if acres of head lines, and miles of solid columns of type, metaphorically speaking, could have turned the scale of decision, New York would have won, and have had its Press to thank for the victory.

But there were lessons taught by the event which have a bearing upon the subject of this volume.

FIRST.—*As to the relative value of individual promoting services.*

The efforts of one experienced first-class promoter would evidently have been worth more towards attaining the object then sought, than all the editorial forces of all the newspapers of the Metropolis.

Had Cyrus W. Field or Charles T. Harvey have taken charge of the project, neither of them it is safe to say, would have placed special value upon those vaporous articles in the columns of the local daily press, which are read in one hour and forgotten in the next. They would probably have had a magazine article indited, of moderate length, and have had it crammed full of facts and illustrations bearing directly upon the subject in hand. Marked copies would have been sent to the Members of Congress, who were after all to be the final judges in the matter. This measure would doubtless have been followed up by interviews with the leading minds in the National Senate, and House of Representatives, and with the President and his Cabinet, and the prize would have been won so readily, that

shallow editorial pates would have assumed that nothing else could possibly have occurred!

An expert promoter, having discovered the salient point in the attractions of Pelham Bay and Park, would have had the same portrayed upon a map to accompany the aforesaid magazine article, together with an artistically engraved picture of a Spanish flotilla (in re-production of the original one which bore Columbus over the Atlantic) with its Commander (a veritable descendant of the great navigator,) being escorted ashore at Pelham Bay on October 12, 1892, to plant anew the standard of discovery. This being executed in the most artistic manner and placed in the hands of the Congressmen, an entertainment would then have been provided at Washington, where eloquent speakers could have set forth in after-dinner speeches, the glorious spectacular displays which New York would assure to all comers, and in result, the wishes of New York, as to the location would have been gratified as naturally as the day follows the rising of the sun.

Supposing all this to have been done, the typical local journal might then have safely displayed its peculiar airs of loftiness, and have arrogated to itself as usual the functions of both judge and jury. But woe to the successful promoter if he did not bow the knee to the "divine right" of the newspapers! He would in default of so doing have been "damned with faint praise," stung with misrepresentations, or denounced as corrupt or incapable; life then would indeed prove a burden, no matter how well the exposition was planned or completed.

In the case before us, no first-class promoter appeared on the scene, as Municipal officials of the Loew, Myers, and Flack type did not attract that order of talent, and the Press endeavored to fill the vacuum as best as it could, which proved to be a poor filling indeed.

Just such an emergency occurred in 1866–7, when the question of Rapid Transit was under discussion. The Press had then on that subject "howled itself hoarse," but having no plan to present, there was no progress. Charles T. Harvey then came upon the scene, and supplied the deficiency as to the general idea, leaving perfection of details to be applied later. When this plan was settled in his own mind, he caused a document of seventy-one pages to be printed (a copy of which the author now has before him) which is illustrated profusely with engravings and maps, showing the terrible evils from the overcrowding of the Metropolis, and his plan of elevated railroads as the method of relief. Copies of this volume, handsomely bound, bore stamped in gilt upon each cover, the name of the Senator or Assemblyman to whom it was sent, aud was received by them respectively before other legislative business had pre-occupied their minds. Consequently, they gave special attention to the statements, and had the facts indellibly impressed upon their memories.

The late Horatio Ballard, Ex-Secretary of State, at that time a member of the Assembly from Cortlandt County, and one of the best type of our legislators, announced that he had laid his copy beside the family Bible, in his Country home, as worthy of studious and repeated perusal!

An entertainment fully described on page 42, followed in due course. The result of this promoting ability was immediate, and successful in the extreme. Without it the Press of New York might have clamored on to this day for rapid transit, without seeing it an established fact in its present proportions.

The promoting efforts of Cyrus W. Field in securing the blessings of the Atlantic sub-marine cable (for which his bronze *fac-simil* ought long since to have adorned Central Park, a Municipal tribute to a great promoter and eminent citizen) were carried to success on the same lines, but with the Press in the rear as usual until the hard, expert promoting work was done.

To illustrate the ideas set forth in this paragraph, the following veritable incident will be here narrated.

After Mr. Harvey had evolved the idea of Elevated rapid transit for New York into practical shape, and was having his

struggle with the covetous syndicate mentioned elsewhere, on the question of being able to demonstrate before the public his ideas of a better form of motive power, a certain "daily," being from some concealed cause piqued against him, instructed its reporters to write a series of "dangerous accidents" as occurring very frequently upon his experimental railway! This was done, and such news displayed from time to time in startling head lines, although in reality based upon merely trivial experimental occurrences.

One day a member of that journal's corps of reporters sought out Mr. Harvey in the streets to solicit an "interview" and was met by a declination to answer interrogations for such a purpose. "But," said the reporter, "my orders are to send in something about you and if you don't help me to say the right thing, you must run the risk of my saying something you may not approve."

In this view of the case, Mr. Harvey having a piece of paper at hand, tore off a portion and with a pencil wrote,—"the plans of the new Elevated Railway are *not* perfected and can be improved. "Now," said he, "with that as the basis of fact, you may dress up an interview to suit yourself," and went his way.

The next morning he saw his remarks of the day before, but with a most ingenious falsification grafted upon them by the mere transposing of the little word *not*. It then read "Mr. Harvey said, the plans of the new Elevated Railway are perfected and can *not* be improved."

While angered at being thus made to speak as a fool, he encountered the reporter and was about to berate him, when the appeal was made—"Do not blame me, for I feel as outraged as yourself about the misquotation, but am powerless to rectify it. I sent it in correct form to my chief, but the change was concocted in the editorial rooms, and sent to press without my knowledge." The assertion was believed and the reporter exonerated. But meanwhile a hundred thousand reproductions of the lie had gone forth beyond recall! [For a similar example see page 100.]

Time progressed a score of years and more when the exposition just mentioned came to the front. No promoter was on hand to be sacrificed, and so that same paper pursued its own course in contributing towards winning the prize.

Its editor sent a large cash-donation to the Exposition fund, and was accorded an upper seat in the synagogue of the Press promoters. But when the signal defeat came,

> "He folded his tent like an Arab,
> And as silently stole away"

to other topics, as there was no candidate for misrepresentation more prominent than himself!

SECOND.—That in impartial purveying of genuine news, the functions of the Press are on the highest plane of civilization, but in the manufacture of biased half-truths, or "whole cloth fabrications," it can expand the volume of falsity and injury beyond prevention or competition. While editors of the highest type of ability and integrity exist in large numbers, enough of the opposite class, indicated by the examples herein set forth, are mixed through the Press as a whole, to destroy its utility as a promoting agency, in lieu of individual-experimental-research, and of patient-personal-practical-promoting-development.

ADDENDUM TO PAGE 118.

Concerning New York's Martyr Defender of 1776.

The officer of the Continental Army to whom Mr. Harvey refers in his address before the Legislative Committee as an ancestor who transmitted to him a right to receive not only justice but liberality, in his dealings with New York City, was Colonel Samuel Selden, the owner of the memorable camp chest. His homestead on the banks of the Connecticut River at Hadlyme, New London County, Conn., was built by him in 1760, and is still occupied by his direct descendants, who there gather around the identical fireside which the patriot owner left in 1776, to go to the defence of that city now bent on so outrageously robbing his descendant.

The following view represents it as it appears to-day :

RESIDENCE OF SAMUEL SELDEN, 1760-76,
" " WM E. SELDEN, ESQ. 1890.

Upon the call of General Washington for troops, he was one of the earliest from all New England in the field. Raising a batallion at his own expense, he hastened to the defence of Boston, and was a participant at the Battle of Bunker Hill. While guarding the breast works near that City, his powder horn was ornamented with his name, and with bas-reliefs of the redoubts then defended by his co-patriots. That relic was discovered in England after the lapse of more than one hundred years, and the finder, appreciating its value as a memorial of revolutionary days, sent it as a gift to the City of Boston, by the hands of the American Minister. It is now deposited in the rooms of the Historical Society of that City, where a photograph of it was recently taken, of which the following engraving is a copy.

Fac simile of military accoutrement belonging to Major Selden which disappeared from notice for more than a century, crossed the ocean twice, and is now deposited in the rooms of the Historical Society of Boston, Mass.

The figures at the base are supposed to represent redoubts raised during Washington's investment of Boston in 1776.

Subsequently Major Selden was promoted to the rank of Colonel, and at his own expense brought on a regiment to the

defence of New York. His commission in fac simile as signed by Jonathan Trumbull, Governor of Connecticut (whom Washington styled "Brother Jonathan" and from whom in consequence the Nation at large received that title) can now be seen in Mr. Harvey's office.

An account of the engagement at 23d Street and Third Avenue, where Colonel Selden was made prisoner, September 15, 1776, is given in Lamb's History of New York City. His regiment encountered a brigade of Hessians of whom numbers were killed and wounded on the spot. Says the Historian: "Had the British acted promptly, all the Americans south of 42d Street at that hour might have fallen into their hands with ease" General Washington himself was at that time endeavoring to rally other forces, whom he met in full retreat near 36th Street and Fourth Avenue. But says the record: "The attempt was fruitless, and not having a moment to lose, Washington spurred away."

The battles not long afterward fought near and at Fort Washington, while on Manhattan Island, were miles beyond the then City limits, with the intervening space mainly covered by dense forests.

Colonel Selden's family did not learn of his death (which occurred on the 11th of October, 1776,) until the following year, but the particulars were only ascertained subsequently with certainty, by an examination after the close of the war, of the letters and reports of the British officers and of the Surgeon who attended him, transmitted to the authorities and to friends in England. Owing to respect for his valor, he was buried by his captors with full military honors, in the Brick Church burying ground, upon the site where the New York Times building now stands.

With such inherited claims upon the City for fair and liberal treatment, the Colonel's descendant is both a witness and a victim of its participation in the MOST NOTABLE ROBBERY OF MODERN TIMES, under circumstances which make it now appear unworthy of the patriotism which led to its defence at a time when such devotion involved extreme privations, and imminent risk of disaster and death.

ADDENDA TO PAGE 125.

Memoranda Concerning the Persons therein Mentioned.

JOSEPH ZAPHNATHPAANEAH.

This person was rewarded and honored as a projector of public improvements, by the most ancient government whose records have survived the ravages of time.

He devised a national system of storehouses for cereals, corresponding in utility with grain elevators of the present time.

Tradition credits him with having also projected a system of equalizing reservoirs connected with the river Nile, remains of which are claimed to yet exist.

However this may be, his first well verified success as a projector led the Sovereign of Egypt to raise him from slave service to the position of Prime Minister. A national funeral and escort was on his account accorded in honor of his father, who was interred in the neighboring kingdom of the Hittites, a nation of which the records have been lost forever.

The public services of this projector were recognized and rewarded by the nation; he died in affluence with official rank and authority in the State second only to the Sovereign. The embalmed bodies of members of the dynasty to which the latter belonged have recently been removed from Thebes to Boulak in Egypt, and their photographed lineaments reproduced in a recent issue of the *Century Magazine*.

(*Continued on next page.*)

Addenda to page 125 continued.

Daniel Belteshazzar.

This name was that of a person living over twenty-five centuries ago in the greatest ancient city.

He attracted the attention of the Imperial Court by his experiments in dietetics, and later on gained great influence as an expert in mental phenomena.

By force of merit he rose from the hardships of a captive to the estate of a prince, having authority under successive sovereigns over one hundred and twenty-seven provinces.

The envy of rivals at one time succeeded in securing his condemnation to death for a breach of the ritual of the established worship, but having been exposed for one night to the usual mode of execution by wild beasts, the King released him and executed his traducers in his stead.

These facts are gleaned from a fragmentary autobiography prepared by himself about 600 years B. C.

A view of his traditional tomb, supposed to have been built at national expense, and still standing near the River Euphrates, was recently published in the *Century Magazine*.

Benjamin Thompson—Count Rumford.

This person was born 1753 in a country town in the State of New Hampshire, U. S.

He commenced when a boy to experiment in mechanics and chemistry, went to Europe about the time of the American Revolution and entered the British diplomatic service.

He experimented to remove the faulty construction of smoky chimneys, and also in reference to explosives.

His talents attracted the attention of the King of Bavaria, who solicited and obtained the consent of the English authorities to have him take office in his government. He was made Minister of War and of Police, and Grand Chamberlain to the King.

He introduced so many and such valuable improvements into Bavaria that he was created a Count of the "Holy Roman Empire," and was so liberally compensated that he lived at ease until his death in 1814.

He left by will a fund to endow an academy in his native New England town. Also a prize known as the "Rumford Medal," for the most valuable scientific discovery in each decade. This was won in 1862 by Erickson, the great inventor of this generation. Thus the ennobled inventor of the eighteenth century encouraged his eminent successor of the nineteenth in scientific labors, whose busy life closed only within the last few months.

Baron Von Humboldt.

This well-known scientist completed his life between the wide space of 1769 and 1859. He early devoted himself to scientific pursuits, being appointed royal surveyor of Prussian Mines in 1792. In 1799 he sought larger fields of research by visiting South and Central America in pursuit of geographical, botanical and climatical knowledge.

He discovered the value of the vast guano deposits of South America; also, the rules for calculating the variations of the magnetic needle. But his great work was the compilation of his acquired knowledge in the volumes of his "Cosmos" which cost him many years of assiduous labor.

The Prussian government kept him on its pay or its pension roll during his life-time, and at his death accorded him a State funeral at Berlin. The Prince Regent received the mortal remains of the great scientist with uncovered head at the Cathedral door, as a mark of the veneration in which he was held by the nation at large

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James Watt.

The inventor of the steam engine needs no introduction to the reader: his fame is as wide and as enduring as the use of his inventions. Certain phases of his experience, however, are especially interesting and instructive because of similarity in some respects with the lines of endeavor set forth in these pages

After fifteen long years of effort, Watt had so far perfected his engine that it had been proved to be a practical success, but in the meantime (in 1775), his patent was expiring and he had realized no net profit as yet. He went to London that year and himself appealed to Parliament for an extension of his legal protection. It is related that he in person distributed cards in the seats of members before the daily session began.

On the card, the following sentence occurred:

"If the invention be valuable it has "been made so by his industry and at his "expense he has struggled with bad "health and many other inconveniences to "bring it to perfection and all he wishes "is to be secured in the profits he can "reasonably expect from it."

Addenda to page 125 *continued.*

When the Members found who it was that thus appealed to them, and that he was opposed by extensive mining and other interests which wished to use his inventions free of compensation, they promply passed an act extending for twenty-four years longer, the patented rights to his creation! No act in British history redounds more to the glory of the nation, or furnishes a better key to the sources of its vast prosperity.

Thus Watt was enabled to live in comfort for the remainder of his life. But the susceptibilities of his country went still farther. After his decease a monument was reared to him among the memorials of the renowned company of the departed great who are brought to mind in Westminster Abbey, and the following epitaph composed by Lord Broughton and reputed to be the finest lapidary inscription in the Engish language, as to composition, beside the fact that it told but exact and simple truth, can to-day be read thereon:

NOT TO PERPETUATE A NAME
WHICH MUST ENDURE WHILE THE PEACEFUL ARTS FLOURISH,
BUT TO SHOW
THAT MANKIND HAVE LEARNED TO HONOUR THOSE
WHO BEST DESERVE THEIR GRATITUDE
THE KING,
HIS MINISTERS, AND MANY OF THE NOBLES
AND COMMONERS OF THE REALM,
RAISED THIS MONUMENT TO
JAMES WATT,
WHO DIRECTING THE FORCE OF AN ORIGINAL GENIUS
EARLY EXERCISED IN PHILOSOPHIC RESEARCH
TO THE IMPROVEMENT OF
THE STEAM-ENGINE,
ENLARGED THE RESOURCES OF HIS COUNTRY,
INCREASED THE POWER OF MAN,
AND ROSE TO AN EMINENT PLACE
AMONG THE MOST ILLUSTRIOUS FOLLOWERS OF SCIENCE,
AND THE REAL BENEFACTORS OF THE WORLD.
BORN AT GREENOCK, 1736.
DIED AT HEATHFIELD, IN STAFFORDSHIRE, 1819.

Not content with this, the most famous sculptor of the time was employed to prepare a life-size statue of him for erection in the church which he attended while living, and where he was buried. It is reputed to be Chantry's best work, and to-day ennobles the race in bringing to mind what man has done, and what mankind most gratefully remembers.

STATUTE OF WATT IN HANDSWORTH CHURCH.

Paid for by public subscriptions, initiated at a meeting in London presided over by the Prime Minister and attended by the most illustrious men of the nation and time.

LOUIS PASTUER.

This name is that of the most renowned scientist of the present day, whose achievements in the use of the microscope are known as household words throughout the civilized world.

Born in France in 1822, he has pursued his studies of, and experiments with microbes, bacilla, fungus and other forms of minute life, and from time to time has electrified the world by announcing to it the general laws of their propagation and of their effects, together with efficacious methods for their control. These rules have been utilized in various ways and with vast beneficial results which are well known; like his system of inoculation for hydrophobia, which need not be herein specially mentioned.

His native town of Dole some years since, upon the day of the National Fête, made the placing of a commemorative tablet upon the house in which he was born, the occasion of a solemn public ceremony.

The French nation appreciated the value of the genius displayed by Pastuer, and made the fostering of his happiness and usefulness a matter of national concern. By a decree of the National Assembly of the Republic in 1883, an annual pension of 25,000 francs, payable from the National treasury, was settled upon him for life and to be continued after his decease to his widow and his children during their lives. Thus relieved from pressing cares, he pursues his beneficent career at the present time in honor and affluence, and France honors herself in thus promptly according to him national recognition and reward.

(*Continued on next page.*

Addenda to page 125 *continued.*

CHARLES T. HARVEY.

In dark contrast with the foregoing list of rewarded experts and inventors is the experience of the person last indicated.

The originator of Elevated Railways for city rapid transit, and of the use of endless traction cables for passenger transit purposes, he accepted the invitation of the State of New York to solve the problem of practical transit for its chief city, overcoming obstructors and maligners successfully only to become the prey of thieves and robbers as the final reward. A covetous syndicate of stock operators caused his plant of experimental machinery to be disused, torn out and destroyed because of their suspicion that his success would prevent their robbery of the other owners in the property.

The State passed a law confirming the illegal and unjust confiscation of his experimental Elevated Railway structure, without compensation to him, and in violation of statuatory pledges made when he was induced to proceed with its erection. It was the nucleus of what is to-day the safest and most profitable railway in the world, so far as mileage traffic is concerned.

The practicability of cable traction for railways about which in its incipient stage Harvey was held up to ridicule as a "crank" on the subject, is now an accepted fact, – the City of New York exacting an annual license fee of $150,000 from one surface route in that City proposing to use that method.

The City of New York with an assessed valuation of $1,696,978,390.00 upon which it collects taxes the present year of $33,212,034.93 having received hundreds of millions in increased property values from his invention, and an increased annual income of millions from direct or collateral taxes and revenues therefrom; besides the fact that the death rate in the tenement-house population had been reduced thereby six per thousand per annum, or from 28.35 per thousand in 1869 to 22.71 in 1888; uses all the force of its Law and Finance Departments to prevent the attempted restitution by the State of his original outlay and of the interest thereon, (ALTHOUGH PAYABLE ONLY OUT OF THAT OUTLAY'S SEPARATE ACCUMULATIONS), and actually collects a bill of costs amounting to *one hundred and twenty-one dollars and sixty-nine cents* from him as the reward of its official's infamy! Much more might be said but the foregoing will suffice to indicate the record as a stigma and disgrace upon the State and the Municipality and the citizens composing the same, in a manner and to an extent probably unexampled in ancient, as it certainly is, in modern times.

POSTSCRIPT.—*The foregoing paragraphs of this Appendix have been added during the year* 1890. *It is intended to add to future editions, such facts supplementary to this narrative, as the year* 1891 *or subsequent years may disclose.*

S. O. JENNINGS.

Brooklyn, September, 1890.

APPENDIX CONTINUED.

LEGISLATIVE AND GUBERNATORIAL RECORD OF 1891.

The twenty-fifth year has now arrived since the State of New York, through its Senate, appointed its first Commission to supervise the development of better transit facilities in its chief city.

It is also the twenty-fifth year since I made the acquaintance of the author of the plans selected by the Commission, and became interested in attending to legislative and legal proceedings connected therewith.

When it was decided to press Mr. Harvey's claim to the unused fund, I took special charge of that effort. Thus my experience enables me to speak from personal knowledge of the entire history of this case, of which the story will be rounded to its first quarter century, when the events of 1891–2 have been added thereto.

RAPID TRANSIT LEGISLATION.

Legislative action was again secured by those who did not propose to devise novel methods, as was done in 1867, but simply to control the farther introduction of systems which others had demonstrated as available thus far.

No provision was made for experimental illustrative sections as advocated by Mr. Harvey, who consequently did not deem it advisable to appear before the Municipal Transit Commission specially constituted by a law of this year, as mentioned in the introductory note preceding PART SECOND.

As it is evident that the results of such legislation will not become manifest within the current year, farther notice thereof will be reserved for adding to PART FIRST in a later edition, probably that of 1892.

Examples of current newspaper paragraphs relating to this latest Commission will be found in Note 1.*

Other paragraphs mentioned the fact that bonds of New York City had been issued and sold to meet the expenses of the Commission for its first half year, and that it had made a draft on the City Comptroller for $30,000 to pay salaries, &c. to July 1st: one consulting engineer being paid a salary of $10,000 per annum, another $6,000, and the Chief Clerk $2,500.

This liberal scale of expenditure is in striking contrast with the fact that the expenses of the first Engineer whose plans have been in use for 25 years have never been repaid to him, but $121.69 was collected from him by the City as costs in his attempt to get his outlay returned to him, under authority of a special law of the State!

The tenor of the paragraphs quoted in the margin will sufficiently indicate the fact that the new Commission has entered upon a rapid-transit-methods-exploring-expedition, with the unlimited financial and legal support of Municipality and State. Can they show such results as did the defrauded rapid-transit introducer of a quarter of a century earlier?

We will, for the present, leave these Commissioners with the same injunction that Mrs. Jarley gives when displaying her wax "figgers" of Columbus and his party: "WIND THEM UP AND LET THEM DISCOVER."*

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*NOTE 1.—From N. Y. *Herald*, May 23, 1891.

"Commissioner Steinway, the chairman and mouthpiece of the Board, left town early yesterday afternoon, worn out with the work of solving the big west side problem. Late in the evening he cordially welcomed me to a brief interview at his country home. He said:

* * * * * * * *

"Altogether the route will be eighteen miles long, embodying four tracks along its entire course.

"It will be constructed of varying architecture, taking in underground, open cut, elevated and viaduct, but no surface track.

* * * * * * * *

"It is our purpose to build the road with a view to high speed for express train service on the two middle tracks.

ELECTRIC MOTORS.

"As a motive power we have finally selected Bergman's electric locomotive of 300 horse power. In this motor the power is applied directly to the axles of every car, and the force is capable of propelling a train of twenty cars, at the rate of forty miles an hour. This is a new motor, and simply wonderful in its operations. By the direct application of power to the car axle a train moving at top speed can be brought to a standstill within twelve feet.

* * * * * * * *

THE COST.

"The cost of the entire route will probably not exceed $50,000,000, and at that figure capital can safely handle it. Had the construction been expensive, capital could not have touched it."

THE LEGISLATURE OF 1891 AND THE "HARVEY CLAIM."

Early in the session this subject was brought forward in the shape of a memorial to the Senate signed by Mr. Harvey, briefly stating the main points of the case, and asking for the return of his original outlay.

He also called attention to the fact that on March 21st, 1892, would occur the 25th Anniversary of the date when the Senate came in a body to examine his models before enacting the laws from which the present transit system resulted, and he suggested, that—provided justice was done by a prompt adjustment of his claim—the occasion should be celebrated by a re-union of the survivors and successors of those who were instrumental in legalizing the first elevated railway in New York or elsewhere.

The memorial was received, ordered printed as Senate Doc. 15, and referred to the Committee on Claims, consisting of three members. It could not have gone into abler hands. Senators Coggeshall and Ives as members of a prior Committee had already passed upon the claim, while the Chairman, Senator Sheard, although investigating the subject for the first time, gave it special attention. His experience as a manufacturer, enabled him to appreciate the injustice done in this case by a suppression of experiments before their entire completion.

In due time an unanimous report was made (Senate Doc. 44, of 1891,) accompanied by a bill, which passed by a more than two-third vote in both Houses. The City officials, however, with their usual tactics, had intrigued to delay it until it became a "thirty-days bill,"—*i. e.*: subject to action by the Governor within thirty days after the adjournment of the Legislature.

Here we take leave of the Legislature of 1891. It had emphatically voted to retrieve the honor of the State in this connection. The terms of the bill were explicit, specifying that the sum of $206,611.70 with interest should be paid to Charles T. Harvey, "as indemnity for the amount disbursed "by him in preparing for and furnishing "said section for inspection and acceptance "by the State * * * subject to due ex- "periments to determine the best form of "motive power to be adopted for perman- "ent use thereon, but which experiments "were suppressed before completion, con- "trary to equity and the public faith re- "specting said engineer's rights in the "premises."

The names of those voting for this measure should be inscribed in the archives of the State, as defenders of its honor on a most notable occasion, not yet fully appreciated by the public at large.

LEGISLATURE VERSUS GOVERNOR.

For the third time the Legislature had thus left the way open for the honor of the State to be redeemed. To completely attain that object the concurrence of the Governor was next required.

Was he to prove equal to the occasion, and maintain consistency of action with his memorandum of approval of the reparative law of 1885, and also redeem his personal assurances given to the author of these pages, when encouraging the latter to persevere and secure the legislative adoption of the Bill of 1891?

Could he rise above the level of the politician and ignore the pressure from the Municipal spoilsmen who had opened the floodgates of ignorance, prejudice, and corrupt chicanery to prevent the consummation of this act of justice?

Will he look beyond noisy "claquerers" in the Press or the "politics" of to-day, and anticipate the verdict of the coming years when actual merit shall have become inefaceably manifested, in this and other cases where fundamental principles of right are involved?

Alas, No! The event proved that the opportunity was upon a higher plane than Governor Hill's perceptions and principles. He failed to utilize it, and thereby missed the chance to build for himself a temple of honor which would have afforded him more noble renown in the hereafter than any other executive act of his administration.

After holding the Bill for several weeks he filed in the State Archives a memorandum of disapproval which is hereto appended see Note 2.*

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*NOTE 2. STATE OF NEW YORK, EXECUTIVE CHAMBER, ALBANY, MAY 22, 1891.

This bill is popularly known as the "Harvey bill." In the year 1885 the legislature passed and I approved a measure which was likewise known as the "Harvey bill," but which the Court of Appeals, on the applica-

I shall not use harsh epithets in referring to Governor Hill and his action in this case, for I consider him as being to some extent in this case, a *reluctant* devotee to "politics."

Had he followed his individual promptings and private convictions, I have no doubt that he would have affixed his signature of approval.

But like the David of Scripture he could exclaim "the sons of Zeruiah (Gotham) be too hard for me."

The city officials opposed the loosening of their grip upon the earnings of Mr. Harvey's original expenditure, and they were in position to say to Governor Hill "*but for us you would not hold your office; "the votes we control furnish the majority "you need. If you wish our farther support "leave this unused fund with us.*"

That Governor Hill lacked the stamina to remain loyal to his own convictions of right, is made painfully apparent from the marked paragraphs in his veto.

How many among the million voters of

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tion of the local authorities of New York city, subsequently declared to be unconstitutional. (See People *ex. rel.* Harvey *vs.* Loew, 102 N. Y., 471.) That bill was approved by me upon two grounds: First. Because it provided what I then regarded as a reasonable method by which Mr. Harvey, without injustice to public interests, might receive some measure of compensation for his previous services in aiding New York city in obtaining its present means of transit; and second, because it provided for further experiments to be made by him in the effort to secure new and additional facilities for rapid transit. The prospect of developing further plans for practical rapid transit under the provisions of that bill was the principal argument which led to its approval. (See Public Papers of 1885, page 196).

The present bill differs materially from the one of 1885. It abandons all idea of any portion of the accumulated funds in question being used to develop any new or additional plans for rapid transit. The bill therefore, lacks for its support the argument that it is intended to accomplish something for the public benefit, but has narrowed itself into having for its sole object the allowance of an equitable claim to a private citizen, or providing a method for its payment from a particular fund now in the treasury of New York city

I am not disposed to dispute the fact that Mr. Harvey's "claim" is supported by many and able considerations. It is true that some of them are not very tangible or well defined, but they are plausible and it may be urged that the legislature has a right in its discretion to recognize any sort of a claim, whether founded upon mere equity, charity, voluntary meritorious public services, gratitude, or other worthy considerations which appeal to our sense of fairness and propriety.

The honesty of Mr. Harvey's claim is supported by letters in its favor from many well known citizens, including * * * and numerous others.

THE LOCAL AUTHORITIES, HOWEVER, STRENUOUSLY OBJECT TO THE APPROVAL OF THE MEASURE, URGING CONSTITUTIONAL AND OTHER OBJECTIONS. THEY ATTACK THE VALIDITY OF THE PROPOSED SCHEME, AS WELL AS PROTEST THAT IT IS WITHOUT SUBSTANTIAL MERIT. THEIR VIEWS ARE ENTITLED TO RESPECTFUL ATTENTION AND CANNOT WELL BE IGNORED. THERE SEEMS TO BE MUCH FORCE TO SOME OF THE CONSTITUTIONAL OBJECTIONS WHICH THEY NOW PRESENT FOR THE FIRST TIME.

This railroad commissioners of the State, to whom the bill has been referred by me for their opinion, report that they do not recommend its approval.

After a perusal of all the briefs submitted on both sides, and a painstaking examination of all the questions involved, I have arrived at the conclusion that my duty will be best performed by permitting the objections of the local authorities to prevail, and by witholding my approval of the measure. DAVID B. HILL.

REMARKS ON THE VETO.

The decision was to me a complete surprise. Of the same political party as the Governor, and having at his request rendered him special service, at a personal sacrifice I had every right to assume from assurances he gave me that the Bill, if passed in its revised form, would be approved when a prior word of caution from him would have saved me years of trouble and expense in seeking statuatory relief only to meet a veto.

Even after this adverse action, I am yet unable to believe that he did so intend, until some concealed and powerful pressure constrained him, at the last moment, to choose between justice and political gain.

This will explain the weak nature of his published veto. It is a misfit patchwork of excuses.

Thus, the first half of the veto is based upon the objection that the bill "lacks for its support the argument "that it is intended to accomplish something for the "public benefit."

This is mere subterfuge:

1st.—It ignores the equity of a just return for past benefits received by the public.

2d.—The bill sent to him by the Legislature in 1889 contained benefits to the public as its prominent feature, and that bill he refused to sign because of that element in the case.

3d.—As a matter of fact he privately referred to his first criticism of the original law of 1885, reported as follows:

See N. Y. *Tribune* of May 27, 1885.

"From the regular correspondent of the *Tribune.*"

ALBANY, May 26.—Any one entering the Executive Chamber of the new Capitol to-day would have seen Governor Hill seated at his broad mahogany desk listening intently to a number of men who, one after another, bombarded him with weighty speeches.

It was a hearing on most of the New York bills which occupied the attention of the Legislature. * * *

"The bill authorizing payments to Charles T. Harvey * * * was next debated. Mr. Scott [Assistant Corporation Counsel] opposed the bill * * I take issue with Mr. Scott, said Mr. Harvey, that this fund * * * belongs to the City." * * *

"*The Legislature ought to have appropriated this "money directly to you* [Mr. Harvey] *in regard of "your distinguished services, said Governor Hill,* and "not have attempted to have given it to you in this in-"direct way."

Admitting that objection to be a valid reason for his non-approval of the bill of 1889, the bill of 1891, it will be noticed *entirely removed that feature.*

4th.—Although it is painful to me as a former endorser of Governor Hill and his administration, to make the criticism in the veto as to the "lack of something for the public benefit" appear as a clear case of perverted partisan pleading, yet the truth of history requires me to take the reader into my confidence and to inform him that in the month of May, 1891, I was myself the bearer of a letter to Governor Hill, signed by Mr. Harvey, proposing to furnish the most ample guarantees that the fund when made available under the Bill then in the Governor's hands, should be used first and foremost "for the public benefit," in resuming and completing the aforetime suppressed experiments, and assuring the

the State of New York appreciate the terrific pressure that is sometimes brought to bear upon the political nerves of the incumbent of the Executive Chair?

Nihilists and Anarchists fleeing from the dangers of plotting against governmental restraint in the Old World, land upon our shores as in a haven of refuge. But if they find themselves in a City ward with numerous voters therein of their own ilk, willing to adopt them as leaders, how long does it require for them to see their way clear to "*demand recognition*" of the higher political powers, in the shape of a share of offices and "jobs" that come within their reach, and how often is their audacity and persistency the measure of their success?

As an illustration of the tendency of this influence it is related of an illiterate immigrant coming to this Country and State some years since, that he developed a capacity for organizing for political purposes the floating population, first of the ward and later on of the City, where he found employment, and in process of time became known as a voters "boss" who could control a solid mass of such material at will. He found a road to wealth in the dispensation of local offices, and his influence became so potent that a former Governor took the pains to send for him to examine all the "thirty day bills" relating to the affairs of that City and to indicate his pleasure as to which should be signed and which vetoed, and his fiat decided the Executive action thereon, irrespective of the views and interests of thousands of more intelligent citizens who were totally ignored in the premises.

Governor that the result would be the demonstration of important improvements certain to be beneficially utilized in farther facilities for better rapid transit in New York city, and also offering to reduce the amount to be paid him in case such assurance was not made good.

All this could have been legally arranged to take effect beyond all peradventure, if the Governor had been sincere in the desire to bring about "something for the public benefit."

But that such a result was not what he desired most, these circumstances prove too plainly to be misunderstood.

5th.—Why quote an adverse opinion by the State Railroad Commissioners? Why refer the subject at all to them? What had they to do with it? They were not in existence when the events occurred upon which the "claim" was based. The Legislature created them to supervise the operation of existing railways, not to adjudicate upon experimental railway matters, about which it had provided that special commissioners should take action according to the original laws. The case did not admit of the Governor's shifting responsibility in this way. He might as well have referred the exercise of his pardoning power in like manner.

6th.—The reader will of course appreciate the humor in the statement that the city officials [including of course, the ex-"Confederate"-Rapid Transit Secretary] "presented some constitutional objections for the first time."

An admission fee might be charged, and a full house assured to attend such a "presentation" from such a source! The Courts are evidently obsolete in such matters! Water Metre swindles and Court House jobs have the advantage in not meeting with "Constitutional objections!"

I had prepared a further review of other misleading points in the veto, as also regarding the questionable propriety of parading in the veto memorandum the names of some distinguished persons addressing the Executive in favor of approval of the Bill and not mentioning others included in the same list, but abstain lest reader as well as writer lose patience in continued attention to a series of subterfuges so palpable and prolix.

SUFFICE IT IS TO SAY THAT HAD GOVERNOR FENTON IN 1867-8 ACTED UPON THE SAME LINE OF REASONING AS GOVERNOR HILL IN 1889-91, THERE WOULD HAVE BEEN NO FUND FOR THE CITY OFFICIALS TO COVET AND NO ELEVATED RAILROADS TO FURNISH THE SAME.

If the author of that experimental transit system could have proved his assertions and that the eminent engineers who memorialized the Governor in 1885, were not mistaken in their estimate of probabilities, (see page 90) what a glorious opportunity to vindicate justice, and the honor of the State, and to establish his own reputation as the "DeWitt Clinton" of Rapid Transit for cities, Governor Hill finally missed!

That he was not worthy of it, is as certain as that it will never fall to his lot again.

We will not attempt to predict to what eminence this specimen of a weather-cock politician may attain in the field of professional politics, some of the paths therein having been trodden by Governor Pontius Pilate in one direction, and by City Official William M. Tweed in another, but it is safe to say that Governor Hill and this veto will never be named as belonging to one class in which some of his official predecessors won renown, namely, that of *practical statesmen*.

But perhaps the most notable instance of offensively arrogant political dictation to be found on record occurred during the administration of Governor Hill, and as it has a collateral bearing upon the main topic of this volume, and as the writer was an eye witness of the remarkable scene when it occurred in the Executive Chamber, it will be herein noticed somewhat at length. It affords a key to unlock the strange combination of circumstances leading to Governor Hill's ultimate decision in THE MOST NOTABLE ROBBERY OF MODERN TIMES.

I shall label the occurrence I am about to describe:

A "POLITICS" EXECUTIVE-CHAMBER TABLEAU.

Place.—EXECUTIVE CHAMBER, (GOVERNOR'S OFFICE) STATE CAPITOL, ALBANY.

Time.—THE TWENTY-SIXTH DAY OF MAY, A. D., 1885.

The Legislature had adjourned *sine die:* Certain "thirty-day bills" were to be considered by the Governor in a public hearing at that time and place. Among them was one amending a law relating to specified rapid transit matters in N. Y. City, which antedated the acts under which the Municipal and speculative ring, represented by the Ex-Confederate Secretary mentioned on page 70–1, had obtained and retained control of this great public interest. A Board of Engineers had under the original law been given powers which they had already exercised, and if the amendment took effect, might again assume without dictation from the de facto Chief of the late Military Bureau in charge of Andersonville and other prison pens. Hence his hostility to it was in due time to be made apparent.

I attended the hearing as did State Senator Plunkett* who introduced the bill in the Legislature, secured its passage, and now appeared in its favor before the Governor. Mr. Harvey, who was one of the Board of Engineers referred to in the Bill, was also present, together with many others more or less prominent in State and Municipal affairs.

My attention was soon attracted to the movements of a person in the Governor's room who rendered himself conspicuous by his care of a bevy of New York reporters, whom he arranged at the side of the Governor's broad table, whereon they rested their writing pads in evident anticipation of an interesting event.

When the bill was called, the whilom marshal of reporters arose, gave them a nod, and advancing toward the Governor, commenced a prolonged speech, by saying:

"I am here, Governor, to represent the "City of New York in relation to its rapid "transit interests, and on its behalf to op- "pose this Bill." He then launched forth into a loud harangue brimful of bitter invective against the pending Bill and the official action of the Board of Engineers therein referred to. The State Engineer though an ex-officio member, was not present on this occasion; glancing about the room to assure himself of this fact, this doughty defender of the Metropolis proceeded especially to impugn the action, ability and motives of the absent State Officer. Although that official was eminent in the Engineering profession, and of deservedly high reputation in public and personal affairs, the "political Engineer" then speaking, was not deterred by obviovs considerations of fairness or decency from charging him with incompetency, deceit and fraud, in an abusive tirade ending with the notable words—"*I need not add that he is a Republican*!"*

*—The Legislator to whom N. Y. City is indebted for the law authorizing the erection of the justly admired Washington Bridge over the Harlem River.

*—The following extract from the account of the incident by one of the marshalled reporters present was doubtless revised by the speech-maker, and the words "*is a Republican*" reduced to the less aggressive phrase "*not a Democrat*"; but the reader can rely upon my statement, as I am corroborated by others who heard the words as I did and recall them in the form I have given.

[* N. Y. *Times* report, May 27, 1885.]

"Burton N. Harrison contributed a sensational feature "to the proceedings. He very fluently declared, "This "is the most remarkable instance of the progress of a "steal through the Legislature which I ever knew * * * "These plans were to be approved by the State Engineer,

There was a tone in these words as they were hissed through his teeth, which only a hearer could appreciate. They could only be interpreted as conveying an intentional and malignant fling and sneer at a great political party, which, scarcely two decades before this date had been prominently instrumental in driving this vilifier from a dominating office in which he wielded a vicious power, hostile to this State and Nation—while it opened the prison pens he had largely aided to keep closed, and hanged a subordinate (Major Wirtz)† as a mark of public execration of the system of detention which he upheld.

Ordinarily such effrontery as this speech contained—the equal of which can hardly be cited in the history of the nation—would not (with such a record) be a safe exhibition in such surroundings. But "politics" guided by New York City officials had issued its edict not only of pardon, but of reward!

"Politics" once set Barrabas free, but there is no record of his making a speech,—or receiving an office!

We now see that "politics" then had notable triumphs in reserve!

Desiring that the scene just described should be presented to the eye as well as to the ear of the reader, the author has by the aid of photographs caused it to be delineated with considerable accuracy.

As a tableau of real life, those who were present will certainly by its aid recall to mind both place, position, and persons as shown in annexed engraving.

What more fitting illustration could be given in this volume as in keeping with its title?

There actually appeared at the seat of State authority, in the presence of its Executive, as therein depicted two most notable persons, the antipodes of each other to a most notable degree, and yet both personally connected with a most notable robbery.

Behold the one who is charged with having done more irreparable injury to the people of the City and State than any other person living,—rewarded as a victor!

Behold the other, who is declared by Legislative records to have bestowed more benefits upon the City and State than any one else in this generation,—despoiled as a victim of fate!

A brief resumé will be necessary to bring out the main points of contrast.

"Engineer of the Croton Acqueduct, and a man "[Charles T. Harvey] appointed by the Company itself. "They could not get the Engineer of the Croton Acque- "duct who was a man of character to go into the job. "In 1881, we had a State Engineer who suited them, "Silas Seymour [since deceased] known to fame and *not "a Democrat I am happy to state.* * * * It is the "most extraordinary piece of impudence ever practiced "on the people of New York." * * * * *

† Major Henry Wirtz was in charge of Andersonville-prison-pen, from January, 1864, to its capture by Union forces, April, 1865. He was promptly arrested, tried before a Court Martial for complicity in the atrocities perpetrated at that locality, was condemned, and was hanged at Washington, Nov. 10, 1865. Gen'l John H. Winder, his superior officer in the prison department, would doubtless have met with the same fate had death not intervened from other causes.

The latter issued a military order, July 27, 1864, directing that in case Union forces should penetrate the Confederacy within seven miles of Andersonville, the artillery planted to command the prison enclosure should open fire on the prisoners with grape shot with the certain result of slaughtering them all. One sentence of the order reads: "*It is better that the last Federal should "be exterminated than to be permitted to burn and "pillage the property of loyal citizens* (*i. e. to the Con- "federacy.*)"

Such an inhuman order showed the animus emanating from the Richmond head quarters when and where Military-Secretary Burton N. Harrison was a chief factor in the management of such affairs.

Happily this infamous imputation is directly chargeable only to a few military officials, and not to the community at large.

The Southern Army and Southern People have furnished evidence to exonerate them from the charge of insensibility to various fiendish practices towards helpless prisoners of war.

Col. D. T. Chandler, Inspector General of the Confederate Army, after an official examination at Andersonville, reported to the War Department "*the horrors of "which [Andersonville] it is difficult to describe, and "which is a disgrace to civilization.*" Gen'l Cooper, Adjutant General, endorsed Col. Chandler's report, with the remark that "*the prison is a reproach to the Nation.*" Generals Bragg and Ransom joined in the remonstrance, and the War Department finally issued an order to remove the brutal prison officials.

This order was set aside by the Executive as Commander in Chief as certified to by the aforesaid Military Secretary, and led to the hanging of a subordinate tool, while a directing superior less than twenty years later appeared as a dictator in the "Executive Chamber Tableau," as noted elsewhere!

Residents in the vicinity of the prison on hearing of the distress of the prisoners for the want of fresh provisions, organized relief associations, and sent in gifts of produce, under the leadership of B. J. Head, M.D., Rev. Mr. Davis, and others. At first they were permitted to carry on their labors of mercy, but one day a large load of anti-scorbutic food drawn by four mules was sent to those dying of scurvy, when by order of Gen'l Winder, the special protege of the Military Secretary at Richmond, it was not allowed to be distributed, or any more similar relief afterward permitted. The Masonic Lodges of Thomasville, Albany, and Macon, Georgia, busied themselves in similar efforts under like disadvantages.

In the prison-pen journal kept by Wirtz, it appeared that in the months of September, 1864, out of 17,000 prisoners, over 2,700 died. In the month of October, out of 6,700 prisoners, 1,560 or about 1-in-5, died! Many of these deaths were from scurvy in its worst form, which a vegetable diet would have prevented, and which kind hearted residents wished to donate, but were not allowed so to do by military orders!

These facts are found in a history of Andersonville Prison, by Ambrose Spencer, a resident at Americus, Georgia, Published by Harper Brothers, 1866.

"POLITICS" TABLEAU, EXECUTIVE CHAMBER, ALBANY, N. Y., MAY 26, 1885.

AN EX-MILITARY SECRETARY WITH ATROCIOUS RECORD BUT HAVING CITY OFFICIAL "PULLS," HYPNOTISING GOV. HILL.

THE TABLEAU ORATOR "SEC'Y" HARRISON { **1864-5,** Supervising Rapid Transit of New York's Loval Soldiers, to Hades, **"IN ACCORDANCE WITH THE LAWS OF NATURE."** (See page XVII.)
1875-85, Supervising Rapid Transit in the City of New York, **IN ACCORDANCE WITH THE POWERS OF "POLITICS."**

FIRST—let us consider the record of the "orator" of that occasion, "Colonel" Burton N. Harrison.

Understood to have graduated at a Northern college, and to have adopted the profession of law, he came into prominence by espousing the cause of the "Confederate States" in the late rebellion, and in time became the Military Secretary of their President, who as Executive, was ex-officio Commander-in-Chief of the formidable armies raised to support and enforce the attempted overthrow of the Union and its Government.

Practically, as well as legally, all the civil and military departments were subordinate to such Executive's orders; hence his Military Secretary filled one of the most influential positions of the so-called Government, but especially in military affairs,* wherein he was such President's executive officer and confidential adviser. Of course the inner governmental circles derived their cue largely from the aforesaid Secretary. It was while occupying this prominent position at Richmond, that the local newspaper organs were most outrageously vituperative in their journalistic attacks upon the Union defenders, sparing none from the President at Washington, to the Generals and armies in the field.

It was not long before this spirit took the form of deeds far more shocking to humanity in the treatment of prisoners of war.

All Confederate military prisons being under the paramount control of the Executive Department represented by the Military Secretary, were places where his orders or influence could have been exerted to save the live of the Union prisoners, or at least to ameliorate their condition and treatment, but he evidently contemned such opportunities.

It is a matter of record that protests of leading generals of the Confederate army and officials of the War Department, remonstrances from officers of its Medical Staff and eminent physicians, petitions for alleviating arrangements from numberless citizens of the South, prayers from resident kind-hearted women, supplications from relatives, and offers of relief from the Union government, were stiffled or thwarted on reaching the Military Secretary's Bureau.

The *Richmond Examiner* of October 30, 1863, contains an editorial suggesting that "the Yankee prisoners be put where the cold weather and scant fare will thin them out in accordance with the laws of nature." One month later Andersonville Military Prison was located by a special officer from Richmond, who said at the time, "I will make a pen here for the d——d Yankees where they will rot faster than they can be sent." Into this pen of 27 acres were herded at one time 33,006 officers and men of New York and co-loyal States, and 12,644 were actually "rotted to death" there in thirteen months; over one-third dying in the open air, without shelter: A ferocious officer was placed in command; and when the Adjutant General reported him as a reproach to the Confederacy, and the commanding General removed him, he was restored and continued in his position by an "Executive order" countersigned by this same Military Secretary.

It is but a logical sequence that this official should be held very largely responsible for the atrocities then perpetrated within his official purview.

The Chief Executive might plead ignorance of details from absorption of attention in weighty State or strategic questions and decisions, but it was *the Secretary's* business to know, as he did know, the horrors to which brave Union soldiers were consigned. To thwart measures for their alleviation was clearly to become morally responsible, both officially and personally, for the lives lost by neglect, and for the sufferings needlessly inflicted.

This was the opinion of Generals Grant and Garfield, quoted in the foot note of page 71.

*—In an article appearing in the "*Century*" for Nov., 1883, over his signature, the fact is stated that his orders were paramount in matters of military transportation and were duly recognized as such, even in the flight of himself and his Chief from Richmond. Thus in one sentence:—"The Colonel rode off, but returned in "a short time. He had tried to get on the railway train, "but found he couldn't do it without an order from "me"

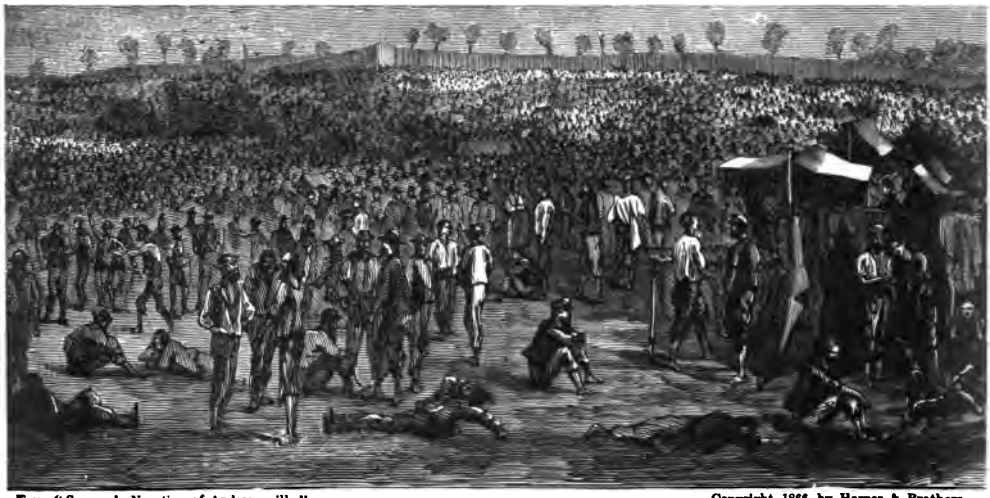
The writer's animus and sympathies crop out after nearly twenty years interval—as still having the aforetime Richmond features.

Referring to the late J. Davis, his former Chief, he says: "No man ever participated in a great war of "revolution with less disturbance of the nicest sense of "perfect rectitude in conduct and opinion." In mentioning the Union Government at Washington, he refers to it as the "people of Washington," not even affording it a capital p!

To him evidently "Wirtz" was yet a "martyr" and Abraham Lincoln a "beast" and a "tyrant."

Hence when Secretary Harrison was uttering his sneers as portrayed in the engraved "tableau," he was the representative of the authority, if not himself the direct author, that caused scenes of frightful suffering en'masse like the following:

VIEW AT THE MAIN ENTRANCE, ANDERSONVILLE PRISON PEN.



From "Spencer's Narative of Andersonville." Copyright, 1866, by Harper & Brothers.

[From a photograph taken in 1864.

PUBLISHED BY PERMISSION FROM HARPER & BROTHERS.

From numerous illustration of this harrowing subject, the following individual cases are selected as among the least revolting to the eyes of the sympathetic reader.

TWO OF THE MILITARY SECRETARY'S WARDS—1863–5.

Let those who wish to follow this subject more in detail, study with special care pages 304 to 309 in "PRISON LIFE IN THE SOUTH," by A. O. Abbott, Lieutenant of First New York Dragoons, (Harper Brothers) in which are photographic illustrations of actual prison-pen horrors which make the blood run cold.

In view of the record that the State of New York sent 467,047 soldiers to the front in overturning the Military Secretary's "bureau" and that 24,595 of them died in those prison pens under conditions just depicted, or in hospitals elsewhere,—will anyone reasonably controvert the claim that he had done more injury to the people of the City and State of New York than any other person then living? Who can compute the extent of the injuries inflicted through his instrumentality upon the persons of tens of thousands of patriotic soldiers living and dead, and to their families,—besides the accumulation of thousands of millions of State and National debts? No one will attempt, it I trow, or gainsay this unparalleled and direful distinction as permanently belonging to the aforesaid Secretary.

But did this evil prominence hurt his prospects with the New York City officials? Not at all; on the contrary, they preferred him on that account! Professional fitness and personal experience only suited to the duties of his N.Y. official position would have ruined his hold on their favor! They saw "politics" in forming a combination with him whereby his extensive acquaintance in the previously seceding, but now re-united States could be utilized to advantage by such of them as were interested in National elections. I need not go into details. Had he caused ten thousand more lives to be lost, he would have been just as welcome to those political prostitutes and plotters, and a place at the municipal crib would have been without difficulty found *for him*! In 1875, he was foisted into the position of Secretary of the Mayor of New York City; and in 1876 was made Secretary of the first Municipal Rapid Transit Commission, as before mentioned. He was paid for such service by the City. Later on, the State took legal steps to have the proceedings invalidated which he had instituted on the City's behalf. He received $3,500 as a single retaining fee out of the State treasury, to assist the State in this attempt! Subsequently a third party retained him to perfect the holding of the rapid transit structures by a special Corporation,—from which extraordinary, Janus-faced proceedings he is understood to have reaped munificent returns! *All these transactions were based upon the use of the transit plans stolen from Mr. Harvey.* But another source of revenue was opened to him which was unique, and was a surprising proof of what a "political pull" can do. It was the allowance to him in one item of $17,000 out of the City's treasury for collecting a claim upon the State!* What the further emoluments of this "'politics'-Secretary" (which term best explains his functions) have been since he was adopted and patronized by the City officials, I am not able to state; but rumor places the amount at a handsome fortune.

Let it be proclaimed before him after the manner ordered by the Persian Monarch. "Thus shall be done to the man whom "politics"—and the New York City of-"ficials—delight to honor!!!"

It seems superfluous to add that Governor Hill bowed to the "prison-pen" magnate's will and disposed of the "Bill" connected with the "tableau" as the latter desired.

Peaceful Achievements.

Let us now turn our attention to the antipodal person in the tableau—who sat in full view of the "political favorite,"—as the latter ventilated his sneers on that occasion. Their records were diametrically opposed,—the latter being as remarkable in peaceful achievements, as the former was in the devastations and atrocities of war.

I refer to Chas. T. Harvey, the original promotor, inventor and engineer of New York City's rapid transit system as then and now in use. He is a lineal descendant of the commander of the Continental regiment which fought the first and only battle actually occurring in New York City during the Revolutionary struggle to establish the present State and City government, and who died a martyr to the cause. (See page 118, also appendix pages VI–VII.

Mr. Harvey became prominent some thirty years before as a promotor and the Constructing Engineer of the greatest and most useful National public work on this Hemis-

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*Note.—Extract from N. Y. *Times*, April 1, 1891. "Mr. Myers, Comptroller of the City said that Cor-"poration Counsel Clark approved of the claim of "Burton N. Harrison, for about $17,000, for collecting "money from the State."

Extract from N. Y. *Press*, April 2, 1891. "Mr. "Clark replied this morning. The Comptroller is in "error. The contract between the City and Mr. Har-"rison was made by my predecessor, Mr. Beekman."

phere, the Lake Superior Ship Canal, which now in point of yearly traffic, outranks the Suez Canal by some millions of tons. Its realization opened 1800 miles of coast to access by the Lake marine of the State of New York from, whence millions of tons of mineral and agricultural products are annually added to the commerce of the canals and railways of this Commonwealth.

It was built mainly by New York and New England capital expended under Mr. Harvey's supervision, and such was the satisfaction of his principals that he received an unanimous vote of thanks from the Constructing Corporation engrossed on parchment of which the following is a photographic copy.

Saint Marys Falls Ship Canal Company

At a Meeting of the Directors

in Albany, June 15th 1855.

Resolved That inasmuch as the completion of the Canal has rendered the office of General Agent of the Company, heretofore filled by Charles T. Harvey, unnecessary: that the same be abolished from and after the thirtieth day of June instant.

Resolved That the manner in which Mr. Harvey has discharged the duties of the office of General Agent, meets with the approval of this Board; and that we have entire confidence in his integrity, fidelity and ability, and that his energy and courage in the discharge of the duties of his position under great difficulties and at one period in the midst of disease; entitle him to our thanks.

Resolved That a copy of the foregoing resolution be communicated to Mr. Harvey

Attest John V. L. Pruyn Secretary. Gustus Coming President

The signatures will be recognized as those of the first President and first Treasurer of the New York Central Railroad, a section of which was the first locomotive railway built in this State or Hemisphere.

The recipient of this unique testimonial commenced in 1864–5 to study the rapid transit problem of New York City,—and was making plans and models therefor when the military-Secretary was issuing orders for thrusting the loyal citizens of New York into the slaughter pens of Libbey and Andersonville!

In 1866 he exhibited his models to a State Commission, upon its invitation, in the City of New York, and won its sole recommendation to the Legislature.

In 1867 he exhibited the same to the Senate of the State assembled informally at No. 100 State St., Albany, on the 21st day of March of that year.

[By the aid of photography, the building and locality are herewith presented to the reader in annexed engraving.]

He stated at that time that he would need to experiment with his plan of railway *after it was in use*, before he could perfect it in all its details, but he offered to construct an illustrative section for a test of the general availability of an elevated railway at the sole cost and risk of himself and his associated friends.

This was the proposition accepted by the State in an act providing for an "*experimental* railroad" which was to have its first section built at private expense, coupled with a right of continuance and extension only after being approved by the Governor.

This law was signed by Governor Fenton, who afterward came to New York and personally inspected the original illustrative structure: (a precedent which Governor Hill has persistently and perniciously towards the public as I believe, and *as I know*, treacherously towards myself, refused to follow:) before recording his official approval by which he became for all time

Photographic View in State Street, Albany, N. Y.

In the parlors of this hotel the Senate of the State of New York informally assembled on the 21st of March, 1867, upon the invitation of Chas. T. Harvey, C. E., and inspected his models and drawings of the first Elevated Railroad ever used for city transit. (*See page 42.*)

The project then and there represented by a track built upon a circle ten feet in diameter, before the expiration of 25 years conveyed 200,000,000 of passengers per annum.

This residence was for more than fifty years the home of the eminent citizen whose portrait appears in page 80.

In his warehouse on Broadway, in the same city, the larger models of the full sized elevated tracks and supporting columns were co-incidently exhibited to the Senate, in the form subsequently erected in the streets of New York, by the original projector as Constructing Engineer, and to which the present elevated transit system of New York (as also copied in other cities) owes its existence.

Hotel Owned, and Residence Occupied by the late Hon. Erastus Corning.

the gubernatorial father of elevated railroads for City transit.

REUBEN E. FENTON,

Governor of New York, 1865–8 inclusive.

Born, July, 1819. Died, August 25, 1885.

Approved Experimental Railway Act, April 22, 1867. Personally Inspected Experimental Railway, July 1, 1868. Officially approved of same, July 2, 1868.

The history of the illegal suppression of Mr. Harvey's experiments having been set forth in preceding pages, it need not be repeated here. He insisted then, and has since maintained, that his plans and structures having been wrested from him before being perfected, opportunity and facilities should be provided for him to finish the originally contemplated experiments, while the amount expended upon the first section should be returned to him for that purpose.

The Legislature of 1885 passed a bill to that end, to be made effectual under inspection of the City authorities. The latter fought the proposition in the courts and defeated it. The legislature of 1889 again provided for such a result, to be eventually CARRIED INTO EFFECT UNDER THE INSPECTION OF GOVERNOR HILL AND CERTAIN STATE OFFICERS. This measure the Governor rejected by a veto without giving reasons, but evidently from disinclination to follow the precedent furnished by Governor Fenton and influenced also by the open and bitter hostility of certain City officials to farther experiments as proposed.

Again, the Legislature of 1891 provided for the return of the original money-cost of the section, without conditions, *as suggested and recommended to me personally by Gov. Hill himself before the Bill was introduced*, while Mr. Harvey offered any guarantees the Governor might require that the funds should be used first and foremost to complete what the original law required; but the City authorities, and beyond doubt their pet "Ex-Military Secretary" bitterly opposed this act of justice. The Governor finally consented to ride in their chariot at this special exhibition of the power of "politics," devised with the same animus as the spectacular displays sometimes accorded by pagan Rome to victoriously returning Generals or Cæsars, which in this case included a spectacle similar to that recorded of Queen Zenobia, when the "Honor of the State of New York" might be said like her to follow on foot with bedraggled garments and sad mien, in the triumphal procession of the conscienceless plotters who gloried in the shame of the continuance for the year 1891, of THE MOST NOTABLE ROBBERY OF MODERN TIMES.

To complete the record pertaining to the tableau in the Executive Chamber, it only needs to have added that the then silent benefactor, although opposed at every stage of progress by the City authorities, actually added several hundred millions to the taxable valuations of the City and a large percentage to its annual revenues; relieved the fearful state of overcrowding, saving thousands of lives annually,—only to be robbed by its officials, not only of reward, but of original outlay, while an unused fund derived from it yet remains available for purposes of restitution!

He escaped with his liberty and his life—more than once endangered in securing such results:—

WHAT MORE REMAINS TO BE SAID?

PERSONAL.

TO THOSE OF MY READERS WHO ARE CITIZENS OR RESIDENTS OF NEW YORK, A WORD TO YOU.

Are you not partakers in The Most Notable Robbery of Modern Times? It may have been unwittingly heretofore, but not after reading this volume.

Henceforth bear in mind that every time you save an hour per diem by the elevated over former transit facilities, you have been using stolen property! The despoiled owner has never importuned you for restitution, but he has asked it in vain of your representatives in the City government. Cannot you bring the pressure of your influence and votes upon them? If you fail to do this, you have cast in your lot with them. Do you believe in a future accounting?

Passing by the record of the origin of your present transit and its introduction at private expense, remember that the City officials of 1871 tried to have the pioneer elevated railway abolished by law, and felt certain of success. This was at the time when they offered me $50,000 to connive at their plot and ever afterward declined to question my public testimony to that fact (see page 80).

It was during this period that their representative offered a bribe of $5,000,000, as stated by the late George Jones, Editor and Proprietor of the N. Y. *Times*, to induce him to withhold the exposure which led to the retirement of those then in control of Municipal affairs: (See *Harpers' Weekly*, Feb'y 22, 1890, and N. Y. *Times* of Aug. 13, 1891).*

It was against these officials and their tremendous power that Charles T. Harvey, by risking his means and exerting his energies with those of his friends, defeated their plot, as proven from State records, and saved to you the nucleus of the present transit. Now he is confronted by a new set of officials, who, while squandering larger sums on wild animals, water meters, "political secretarys'," etc., viciously oppose his receiving back his original outlay and interest *from funds on hand derived from that source!*

This fact is a monument of shame and disgrace to the City, and proportionably, to yourselves.

It was poetic justice that a City which tolerates such infamy should lose the honor and profit of the Columbian Exhibition for one hundred years. That is past, but the stigma of the unpaid "Harvey Claim" remains:

ARE YOU CONTENT?

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* NOTE.—This seems an incredible sum, but it was really only about ten per cent. of the amount stolen from the City within three or four years by its officials.

NOTES TO APPENDIX OF 1891.

Note A.

WORTHLESS WATER METER ACCOUNT.

The year 1891 witnessed the closing up of the account for the worthless water meters, paid for by the Comptroller whose name appears on the satisfaction of Judgment of the City against Mr. Harvey for $121.69. (See page 95.)

The account stands thus:

Paid in cash by City, January 7, 1885	$1,409,595.65
Received by City for same, as "old junk," June 12, (See *N. Y. Recorder*, June 13, 1891)	$30,828.35
Balance, loss in cash	$1,378,767.35

No charges of "jobs" came from the Comptroller's office to the Press when these astounding transactions took place, as when the "Harvey Claim" was pending!

Note B.

CITY OFFICIALS *vs.* DEFICITS.

The notice on page 117 (as illustrated on the cover) sets forth that a defalcation of over $500,000 was discovered in one market, then as now in charge of the Finance Department,—when the clerk in charge having fled with the books to New Jersey, all Court proceedings were dropped as useless. The following relates to the return of that clerk.

From *N. Y. Times*, Jan. 12, 1891.

"Graham McAdam, formerly Chief Clerk in the bureau of markets in the Finance Department, who left suddenly in March, 1888, in the midst of an investigation of the bureau by the Commissioners of Accounts has returned as stated in the TIMES of yesterday, and is quietly practicing law. * * *It is regarded curious that the fact of Mr. McAdam's return should have been kept so quiet that it leaked out only last Saturday. To a TIMES reporter he stated that "the Commissioners of Accounts knew of his return, but had no questions to ask him."

Note C.

EXAMPLE OF CITY OFFICIAL LEADERSHIP.

The following item is taken from the *N. Y. Times*, July 31, '91.

"The owners of the property adjoining "Clifton avenue, One Hundred and Sixty-"fifth street, between St. Ann's and Union "avenues, this city, were assessed $34,000 "for grading and regulating the street. "They made application to the Supreme "Court for a reduction of the assessment. "declaring that there had been gross irreg-"ularities in advertising for bids for the "work; that the assessment was at least "$10,000 more than it should have been; "that the advertisement called for the re-"moval of several thousand cubic yards of "earth and rock more than were necessary "for the proper grading of the street; that "the commissioners, * * * * * Henry "R. Beekman, approved the certificate of the "work done, despite these facts. The case "came up last Friday before Judge Barrett, "who decided that the assessment should be "reduced 31 9-10 per cent. In his opinion "the judge says: "I feel bound upon these "proofs to find that the cost of the work in "question was grossly excessive. I agree "that it is a case of the advertisement of "fictitious work, erroneous estimates and "unbalanced bids. The assessment should "be reduced *on account of the fraud which* "*is clearly established.*"

"Commissioner" Beekman made himself, while Corporation Counsel of this City and subsequently, the most conspicuous among the City officials or henchmen who opposed "the Harvey Claim Bill" before each Legislature since 1885. It was during his administration that the adverse bill was attempted to be passed surreptitiously, as mentioned on pages 96–7–8.

He also tried his hand in drafting a rapid transit act which fell flat when being considered by the Legislature; its monopolistic tendencies and verbosity being phenominal.

It was he who officially approved the payment of $17,000 to Ex-Secretary Burton N. Harrison as mentioned on page XIX.

When an investigation into certain transactions of his with the Dock Department began to assume serious proportions, the mysterious suddenness with which the curtain was rung down by the City magnates was such as to be noted in the press at the time. However, he apparently "fills the bill" of a *typical* City official!

Note D.

ATTITUDE OF THE PRESS.

The fact that the City Finance Department seemed to have the power at will to cause the newspapers to open their batteries upon the "Harvey Claim," has been previously mentioned, but during 1891, the fusilade was less general, and mostly of a style unworthy of notice, excepting, however, an editorial of May 12th, in the New York *Times*. This highly respectable and influential journal will be selected as affording an example of the fluctuations which time can bring about in the opinions of the Press.

When the Metropolis was in dire distress for want of some system of rapid transit and its Society of Engineers had, after weeks of public discussion, failed to agree upon any plan to recommend for the emergency, the *Times* said editorially, (July, 1866).

"Here is a mercantile community distinguished the world over for attaining their ends, no matter at what expense--accustomed to great plans and to executing them —proverbially active and impatient—to whom time every day is more than money —yet submitting year after year to a stupid, dilatory, inconvenient system of locomotion, which would disgrace a village in Turkey, and apparently doing nothing to reform it. * * * * * * *

"*One is surprised that the inventive Yankee*
"*brain and the all-powerful capital of New*
"*York have never contrived some better sys-*
"*tem of locomotion.*"

Later on the "Yankee brain" appeared and proposed an experimental elevated railway, and capital was attracted, but, as related elsewhere, a Wall street clique suppressed the means by which that brain could perfect it. Meanwhile, Tweed, the leading City official, came forward to crush out the enterprise by means of indictments and the passage of a law to abolish it, as narrated on page 81.

At that period, the *Times* attitude was thus set forth :

Editorial, December 28, 1870.

"The indictment of the elevated railway as a dangerous nuisance, by the grand jury, strikes a finishing blow at the most foolish and impracticable of the few attempts which have been made to provide facilities for quick transit within our rapidly extending city limits. We are sorry for those who have been induced to invest their money in the enterprise ; but the practicability of a road built upon this principle might have been thoroughly tested on an experimental section of an eighth of a mile in length, and the reckless expenditure incurred in pushing the road from the Battery to Thirtieth street, before it had been fairly tried, can only be accounted for on the supposition that those who furnished the money were willing to lose it. Its indictment, however, can do no possible injury to the stockholders of the enterprise, *since the work has already been practically abandoned, and now stands merely as a nuisance and an incumbrance to the streets through which it passes, and a monument to the folly of those who built it.*"

Again the "Yankee brain" in the person of Charles T. Harvey came to the front, and instituted the measures which defeated Tweed and saved the Elevated system, one of the most thrilling and far-reaching incidents in the history of the City of New York (see Senate Doc. 45 of 1885).

Half a decade later and *The Times* adopted as its own, the following sentiments of the lawyer who was at this time the most distinguished ornament of the New York Bar :

From the New York *Times* of March 3, 1875.

"A *Times* reporter called on Mr. Charles O'Conor * yesterday to ascertain his views in relation to rapid transit. At the request of the reporter, Mr. O'Conor gave the letter for publication in the *Times*, which is, in part, as follows :

NEW YORK CITY (FORT WASHINGTON),
February 18, 1875.

* * * * * * * * * *

The elevated railway for persons only, *and needing but a moderate and easily controllable motive power, presents the means not conceived in former times.* I am impressed with so deep a sense of its promised blessings that I would do anything to promote it which was honest and lawful. * * *

"I am, sir, yours respectfully,
"CHARLES O'CONOR."

To this "*Times*" eulogium, an extract from the columns of its neighbor, *The Sun* of February 17, 1883, will be added as a summing up of the case :

"*There is no doubt that these elevated railroads are of the greatest benefit to the inhabitants of this town. Nothing that has been done here since the introduction of the Croton water is to be compared to them in point of general utility and advantage. The public who enjoy the convenience they afford, wonder how people got along before they were built, and the city indirectly derives an immense revenue from their existence through the increase of population which they facilitate*

* NOTE.—Selected at one time by a large following as a third party candidate for the Presidency.

*and through the increased taxation in parts of the town which were uninhabitable previous to their construction. * * * The hostile influences that operated against them were likewise very powerful. * * * * * *

"*It is certainly a reasonable proposition that those who, in the face of such difficulties and such uncertainties, built these roads should be handsomely compensated for their venture. Of course they were impelled by the hope of gain alone, and yet, on the whole, they* MUST BE CLASSED AS PUBLIC BENEFACTORS."

Time moves on; in 1891, the benefits of the Elevated Railway system of New York City had reached gigantic proportions, adding hundreds of millions to taxable values, while the city's income by direct taxation therefrom approximates $600,000 per annum; 750,000 passengers have been conveyed over it in a day, nearly 200,000,000 during a single year, representing an increase in health and comfort beyond computation, and without a parallel.

When the aforesaid results are attained and it is proposed to return the outlay which their author expended in introducing them out of the earnings therefrom, *The Times* holds forth editorially in this wise, (May 12, 1891):

THE ANCIENT HARVEY "CLAIM."

"The Legislature of this State has shown "a curious eagerness for several years to "compel this city to pay an alleged debt of "gratitude to one Chas. T. Harvey, to whom "the city owes nothing whatever. What is "called the Harvey "claim" is not a claim, "but a demand for a considerable fund in "the City Treasury as a gratuity to a "private citizen. * * * * *

"This money belongs to the city, of "course, and the proper thing for the Leg-"islature to do is to authorize its expen-"diture for legitimate public objects of "some kind. This it has not done, but it "has been trying to force the city to give it "to Mr. Harvey. It passed an act for the "purpose six years ago which was declared "to be unconstitutional, and it passed "another act for the purpose at the recent "session, which the Governor has now un-"der consideration and which Controller "Myers has in very emphatic terms protest-"ed against his approving. Why should "this money be given to Mr. Harvey? "What is his "claim" upon it?

"In approving of the act of 1885, Gov. "Hill declared that the honor of the State "was involved in his remuneration for what "he had done and suffered. One would "suppose in that case that the State would "be bound to pay over some of its own "money to him.

"There is probably only one way of ever "getting rid absolutely of the Harvey claim "and that is to get the necessary authority "from some sane Legislature to get rid of "the fund by using it for public purposes.

"Until then Mr. Harvey will probably "think that it rightly belongs to him and "he may bequeath it to his heirs."

The following letter was written by Mr. Harvey, in reply to the above editorial and published by the *Times*, May 18th:

MR. HARVEY'S CLAIM.

To the Editor of the New York Times:

I assume that the *Times* belongs to the class of honorable public journals which concede that persons have a valid claim to respond to their own names, even in the columns of a newspaper.

When, therefore, I take up your issue of to-day and find my name at the head of an editorial as "one Charles T. Harvey to whom the city owes nothing whatever," and further down find the query, "Why should this money be given to Mr. Harvey?" "What is his claim upon it?" I submit that it is obviously but fair to allow that individual to answer, and I beg your permission to say to the numerous readers of *The Times* that I will cheerfully avail myself of this unexpected occasion to state briefly, and yet comprehensively, the main points in support of my claim, which are as follows:

First—Whatever of benefit has accrued to the city of New York during the past quarter of a century by the introduction of its present elevated rapid transit system, over the facilities of omnibus and horse-car transit as previously in vogue, is due to my efforts and expenditures, so far as its authorship, introduction, and demonstration of its utility is concerned. The proofs of this assertion are matters of public record, as clearly traceable as the title of the present ownership of *The Times* Building.

Second—While my personal and associated disbursements to extend the elevated system sufficiently to test its ability to secure traffic was nearly $1,000,000 in cash, a part of this—to wit, the sum of $206,611.70—was paid out by me under special statutory pledges of the State, which were not fulfilled on its part, and which fact imposes upon it the moral obligation to return that sum to me with interest. This is known as the "Harvey claim," and has been investigated by four special committees of the Legislature, which have made five printed reports thereon, in all of which the unanimous conclusion was that the claim was unquestionably just and should be paid.

Even the counsel of the city of New York is upon record (in 1888) as admitting that proposition. To enumerate the scores of Senators and members of Assembly who have joined in those reports or similar ones not published, is to include leaders of both

political parties and legislators whose character for ability and integrity is acknowledged throughout this State to be of the highest grade. Those who sneer at this claim with such indorsements simply proclaim their own bias, ignorance, or recklessness. It is safe to say that no claim against the State was ever fortified with more or clearer proof.

Third—The statement has been repeatedly published as emanating from the City Controller that I am seeking to make a "raid on the City Treasury," and that the bill now before the Governor will take funds from that source. This I deny, and challenge the Controller to prove such assertion if he has really made it, and a "demand" on the Governor to disallow Senate bill No. 269 now in the Executive Chamber as passed by the Legislature, according to reports in your columns.

On the contrary, the fund from which payment is therein directed does not and never did belong to the City Treasury. While the City Controller has ex-officio been designated by law as its custodian, he was also by the same act, directed to keep it "distinct and apart from all other funds" and pay it out only upon the warrants of State Commissioners. (Chapter 855, laws of 1868, Section 2.)

Besides this special feature of the fund, the Legislature, in the laws creating and regulating it, expressly reserved the power to alter or amend the provisions relating to the same irrespective of any city supervision whatever and holds that power still unimpaired. To refer to this fund, therefor, as in the City Treasury in the ordinary acceptation of that term is unwarranted and misleading.

Finally, under this head, I assert that this fund is in reality my money held in trust, and can be easily identified as such.

The fact is undisputed that I paid for the property of which this fund is an increment of earnings. Up to a certain time that property was liable to removal by myself, but when the Governor of the State of New York, in pursuance of law, accepted it by a documentary act, or proclamation, the State assumed control of it under a guarantee to me of compliance with certain conditions to be observed with reference to the uses of the property thereafter. This created a trust in the property for my benefit, in consideration of which I lost or relinquished the power of removal. The State failed to keep or enforce the transfer obligations, and subsequently confirmed an illegal conversion of my interest, and passed a law nullifying the conditions originally agreed to, and thereby inflicted a grievous and wanton loss upon me without any compensation whatever. What made the matter worse was that the State and the city afterwards received largely increased revenues from the property by direct taxation, and others realized immense fortunes and the public vast benefits from it, while, when obeying the laws of the guarantee in every particular, I lost every dollar of its value, which result was eventually due to the negligence and bad faith of the State. Thus the case stands to day. Meanwhile, this fund in question has been earned by that property for a use which has become obsolete through the failure of the State to keep its guarantee to me. Is it surprising that under such conditions I respectfully ask the State to use that fund to reimburse my original outlay for the trust property, with interest? That, Mr. Editor, is the "Harvey claim" in a nut shell.

Any reader who desires to get at the bottom facts of this case need only to look over Senate Document 45 of 1885, being a report of the committee of that year, of which the late Judge Henry R. Low of Orange County was Chairman. What lends extraordinary weight to this document is the fact that Judge Low was a member of the State Commission of 1866-7, which advertised in the name of the State in the public journals of the leading cities of the world for plans for a rapid transit system for this city, and in a competitive examination selected mine and recommended it to the Legislature, and as Senator, assisted in formulating and passing the laws which induced me to furnish the illustrative section under the guarantees mentioned. By turning to page 10 it will be seen that he asserts that the State should, besides the fund, also pay me at least $2,000,000, if it would save me harmless from the effects of its "ill-advised and unjustifiable legislation respecting the foreclosure and rights of extension existing on the statute books for a full decade."

Who will impeach Judge Low's opinion or who could speak on the position of the State with more insight into all [illegible] the case from actual personal [illegible]

Does the Controller suppose that in a serious case like this [illegible] of the State is declared [illegible] statesmen to be in [illegible] afford to, or will ignore the investigations made by legislative [illegible] Are not these the records which [illegible] the case, and will not the Governor's decision be necessarily based upon them, as having largely the same relation thereto as the notes of the evidence produced in court has to the conclusions of the Judge on the bench?

CHARLES T. HARVEY.

NEW YORK, Tuesday, May 12, 1891.

No reply appeared from any source to question the accuracy of this comprehensive statement of the facts. Attention is called to the last paragraph and its bearing upon the subsequent veto of the Governor which so contemptuously omits all reference to Legislative investigations of and reports upon, the merits of the claim.

EXPLANATIONS OF DESIGNS on COVER.

At the base of frontispiece appears a section of Elevated Railway bearing statistics of its benefits to the City of New York. Its capacity of 750,000 daily passages has relieved the previous fearful overcrowding; it has paid five millions of direct taxes into the City treasury, has increased taxable valuations $300,000,000, and reduced the annual mortality six per thousand or nine thousand per annum.

Prostrate at the entrance to this marvelous transit system lays its projector, who introduced it at private expense, against the fierce opposition of the former City authorities, and who now seeks to have his outlay returned out of a special fund reserved from its own earnings. He is belaboured by the legal officers enjoying the special fees, or large salaries indicated, while his hand grasps a scroll bearing the significant words "*Stare Invitation*" which seems but to excite fiercer attack. The Sheriff is to be seen entering a carriage with a tag indicating that he has just wrenched $121.69 from the pockets of the defenseless benefactor. To the female figure is attached the label "dual wife" referring to the incident that the same individual whose name appears in the banner on the reverse cover as City Clerk, subsequently became Sheriff and was found to be maintaining two wives and two families, until detected in obtaining a fraudulent decree of divorce from the one legally married to him. This irregularity forced his retirement from office, but indicated the fitness of having his name officially prominent in that banner document of infamy!

While the robbery of the City's greatest benefactor is being enacted realizing $121.69 to the City, millions are being lavished by it upon wild animals. A group (suggesting a suitable Coat of Arms) is formed by a tiger and a mule "rampant," surmounted by a joyous ape whose banner shows that $300,000 has just been received to provide them with a "southern exposure"!

Meanwhile an Ogre is busily employed in arranging a collection of stuffed birds of prey for the Central Park Museum of Natural History. Messenger imps are scurrying about on foot, or on horse back, seeking specimens for their master. One, by using a lariat, has captured the bird adorning the City seal or Coat of Arms, the jerk of the furious steed has hurled the semi-sphere (on which the bird roosted) against the white man supporting the shield "knocking him out" completely, and fitly leaving an Indian to alone represent the "scalping" Municipality. Another imp has sought to do the same feat with the bird on the State Seal. The loops of his lariat are about to descend, not only on the crest-perched eagle, but on the scales in the hands of the figure of justice, and both will evidently go down together when the strain comes!

Looking sorrowfully down from the skies upon the scene, is one in the uniform of an officer of the Continental Army, presumably the overborne projector's ancestor who laid down his life to establish the present form of government in that City, and who reflects that he paid too great a price to start such a municipal record!

On the reverse cover is to be seen the Custodian of the Experimental Elevated Railway fund, who successfully retains it in defiance of State statutes or the rightful owner. He seems to be raising a breeze to waft a craft loaded with the books relating to market stealings of $500,000 away to the Jersey shore (founded upon an actual occurrence), while with his hand waving away compliant press reporters. Another sketch also shows a cartman dumping $1,450,000 in coin into the River as indicating the total loss to the City in another transaction, making $1,950,000 in those two, to say nothing of others, while it was collecting *one hundred and twenty-one dollars and sixty-nine cents*, as a fine upon the author of its rapid transit!

The figures on the outside, as the facts in the inside, alike supplement and give prominence to the title of THE MOST NOTABLE ROBBERY OF MODERN TIMES.

MOST INFAMOUS MUNICIPAL DOCUMENT OF MODERN TIMES! [SEE PAGE 95]

IN WHOSE FAVOR

AGAINST WHOM

Harvey Charles T. Relt & Applt

Edward V. Loew the Comptroller of the City of New York Respt

When Docketed | When Perfected | M. | Transcript Filed | M. | AMOUNT Debt | Disbursements-Costs | Attorney | When Satisfied

New York 1886 | 1886 | July 16 | 1886 | $171.69 | July 16th 1886

Satisfied June 16 1886

COUNTY CLERK'S OFFICE, CITY AND COUNTY OF NEW YORK, } ss.

I, JAMES A. FLACK, Clerk of the City and County of New York, certify that the above is a true and correct extract from the Docket of Judgments kept in my office.

And I also certify that the above judgment was Satisfied of Record on the 16th day of July 1886

In Testimony Whereof, I have hereunto set my hand and affixed my official seal this 16th day of July 1886

CLERK.

FAC-SIMILE OF SATISFACTION OF CITY'S JUDGMENT.

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